

1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF OHIO  
3 EASTERN DIVISION

4 - - - - -

5 UNITED STATES OF AMERICA, )  
6 Plaintiff, )  
7 vs. ) Case No. 1:16CR224  
8 BOGDAN NICOLESCU, )  
9 RADU MICLAUS, )  
10 Defendants. )

11 - - - - -

12  
13 TRANSCRIPT OF TRIAL PROCEEDINGS HAD BEFORE THE  
14 HONORABLE JUDGE PATRICIA A. GAUGHAN, JUDGE OF SAID  
15 COURT, ON MONDAY, APRIL 1ST, 2019,  
16 COMMENCING AT 12:30 O'CLOCK P.M.

17 - - - - -

18 Volume 6, Pages 1005 through 1145  
19 - - - - -

20  
21  
22  
23 Court Reporter: GEORGE J. STAUDUHAR  
24 801 W. SUPERIOR AVE.,  
25 SUITE 7-184  
CLEVELAND, OHIO 44113  
(216) 357-7128

1 APPEARANCES:

2 On behalf of the Government:

3 OFFICE OF THE U.S. ATTORNEY  
4 BY: DUNCAN T. BROWN, AUSA  
5 BRIAN M. McDONOUGH, AUSA  
6 801 West Superior Ave., Suite 400  
7 Cleveland, OH 44113

8 and

9 U.S. DEPARTMENT OF JUSTICE - CRIMINAL DIVISION  
10 BY: BRIAN L. LEVINE, SENIOR COUNSEL  
11 1301 New York Avenue, Suite 600  
12 Washington, DC 20530

13 On behalf of Defendant Bogdan Nicolescu:

14 LAW OFFICE OF MICHAEL J. GOLDBERG  
15 BY: MICHAEL J. GOLDBERG, ESQ.  
16 323 Lakeside Place, Suite 450  
17 Cleveland, OH 44113

18 On behalf of Defendant Radu Miclaus:

19 LIPSON O'SHEA  
20 BY: MICHAEL J. O'SHEA, ESQ.  
21 110 Hoyt Block Building  
22 700 West St. Clair Avenue  
23 Cleveland, OH 44113  
24  
25

-----

1		I N D E X			
2	<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
3	Bogdan Antonovici	1008			
4	Direct Continued				
5	By Mr. Goldberg		1054		
6	By Mr. O'Shea		1090		
7	Bonita Muhlenkamp	1109			
8	By Mr. O'Shea		1118		
9	Allynn Stallings	1120			
10	By Mr. O'Shea		1129		
11	Larry J. Kuehl	1130			
12	By Mr. O'Shea		1140		
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					

Mr. Antonovici - Direct Cont'd

P R O C E E D I N G S

THE COURT: Please be seated, folks, and good afternoon, everyone.

Ladies and gentlemen, since it is April 1st we have a new court reporter, and I am very happy to introduce you to Mr. George Staiduhar.

Mr. Brown, you may continue.

MR. BROWN: Thank you, your Honor.

BOGDAN ANTONOVICI

resumed the witness stand by and on behalf of the Government, being previously sworn, was examined and testified further as follows:

DIRECT EXAMINATION CONTINUED

BY MR. BROWN:

Q. Good afternoon.

A. Hello.

Q. I believe we ended — and you said that — we were talking about a virus, correct?

A. About?

Q. A virus?

A. Yeah.

Q. And who created the virus we were talking about?

MR. GOLDBERG: Objection.

THE COURT: Overruled. You may answer that.

THE WITNESS: Nicolescu.

Mr. Antonovici - Direct Cont'd

1 MR. BROWN:

2 Q. And in fact, is Bogdan the first name?

3 A. Yes, Bogdan and is the first name.

4 Q. And Miclaus is the family name?

5 A. Yes.

6 Q. And did he explain how the virus would be on —  
7 would get on victims' computers?

8 A. Yes, he showed me.

9 Q. And what did he show you?

10 A. First of all — can I explain the whole  
11 process?

12 MR. GOLDBERG: Objection.

13 THE COURT: Overruled. Go ahead, sir.

14 THE WITNESS: Okay. So first of all, he  
15 listed an item on the eBay.com website.

16 BY MR. BROWN:

17 Q. Okay. And can I remind you to speak slowly and to  
18 speak loudly?

19 A. Yeah.

20 Q. Thank you.

21 A. So software, he listed an item on the eBay website.  
22 The first thing that a virus was doing is blocking the  
23 eBay IP addresses. That means that eBay couldn't see  
24 what's on their own page because the item, how they call  
25 themselves, the item, were listing an item, and on that

Mr. Antonovici - Direct Cont'd

1 page, it shows a text, a red text like "if you want to  
2 buy this item, please contact us to the — to this e-mail  
3 address," and basically what the virus was doing is  
4 blocking eBay from seeing that text.

5 Q. Okay.

6 A. If they were seeing their own action, the red text  
7 will not show up, only to the regular buyers.

8 Q. Okay. What sorts of items were being posted on  
9 these fake pages?

10 A. Cars, vehicles.

11 Q. And once — so —

12 A. Yeah, I can explain it.

13 Q. Okay.

14 A. Once the buyers were interested in buying the cars,  
15 they would just e-mail to that address in the eBay — on  
16 the eBay page.

17 Q. Okay.

18 A. And after the listing was ended like two, three days  
19 later or five, depends, then Nicolescu was sending an  
20 e-mail to those potential buyers that sounds something  
21 like "hi, you are still interested in buying the car?  
22 Please see the pictures, the attached pictures and  
23 respond," of course, and the attached picture was  
24 actually the virus, and attachment sounded like it was  
25 like part of viewer.

Mr. Antonovici - Direct Cont'd

1           It was an attachment, like a regular  
2 attachment, and when someone just opened that file, that  
3 attachment, automatically his computer was virused with  
4 that virus?

5           And what that means is that Nicolescu who  
6 has access to that computer to the virus computer, to the  
7 virused computer, I mean he — he — the buyer then will  
8 reply "yes, I am still interested in buying the car. I  
9 saw the pictures."

10           They didn't know they got a virus into their  
11 computer, and "just please let me know when you can  
12 release the item on eBay, so I can buy it."

13           And Nicolescu replied with "thank you."

14 Q.   And once the victim said "I want to buy it," then  
15 what happened?

16 A.   Yeah. When they responded, Nicolescu would send  
17 another text saying "hey, this is the new item on eBay,  
18 please go to eBay.com. Search for this item number, and  
19 buy the item with a buy-now option."

20           But because the computer was virused, the  
21 item number that is supposed to be on eBay was only on  
22 the virus of the computer, that's all. It was not on  
23 eBay.com. So that was mind blowing for me. If you  
24 search for an item on eBay right now —

25           MR. O'SHEA: Objection.

Mr. Antonovici - Direct Cont'd

1 THE COURT: Sustained.

2 BY MR. BROWN:

3 Q. Now, let me just back up a little bit.

4 You said there would be e-mails sent to the  
5 potential victim?

6 A. Yes.

7 Q. Were those e-mails in English?

8 A. Yes, in English.

9 Q. How — you are familiar with the English language,  
10 correct?

11 A. Pretty much, yes.

12 Q. And you can read it?

13 A. Yes.

14 Q. How was the English in your opinion?

15 MR. GOLDBERG: Objection.

16 THE COURT: Sustained.

17 BY MR. BROWN:

18 Q. Do you know if Nicolescu spoke English?

19 A. Yes, he does.

20 Q. Okay. Do you know if he created those e-mails?

21 MR. GOLDBERG: Objection.

22 THE COURT: Overruled. Do you know, sir?

23 THE WITNESS: I don't know which one created  
24 that e-mail.

25



Mr. Antonovici - Direct Cont'd

1 BY MR. BROWN:

2 Q. Now, after the victim was contacted with the new —  
3 with the new item number if they wanted to buy that  
4 automobile, what happened next?

5 A. So they will have to go to eBay.com and search for  
6 the item number, and the new listing would show up as new  
7 listing, car listing.

8 Q. Okay.

9 A. But again, that was only on the computer that was  
10 virused, that's all; not on the eBay.

11 Q. That was infected?

12 A. That was infected.

13 Q. And what options were they given to purchase the  
14 vehicle?

15 A. Escrow option. I mean —

16 MR. GOLDBERG: Objection.

17 THE COURT: Overruled.

18 A. Basically, they would set up a page after the  
19 buy-now option was clicked, that eBay will protect money,  
20 if the money were sent to the following bank account,  
21 their bank account.

22 Q. Okay. And do you know if the eBay escrow option was  
23 part of the virus?

24 A. Yes, it was.

25 Q. And once they sent money to the escrow, what

Mr. Antonovici - Direct Cont'd

1 happened to that money?

2 MR. GOLDBERG: Objection.

3 THE COURT: Overruled. If you know, sir.

4 THE WITNESS: Yes, I know.

5 Once the money was sent, the mule because —  
6 can I explain what is a mule?

7 BY MR. BROWN:

8 Q. Yes, please do.

9 A. They are using the mule. That means someone was  
10 hired from the United States to receive the money in  
11 their bank account, and basically, the mule was  
12 withdrawing the money from the account and transfer those  
13 money to the — into Europe.

14 Q. And once it came to Europe, is that where you took  
15 over and your network took over to get that money?

16 A. Yes. Basically, yeah.

17 MR. O'SHEA: Object to the form of the  
18 question, Judge.

19 THE COURT: Sustained.

20 BY MR. BROWN:

21 Q. Do you know what happened after the United States  
22 mule got the money?

23 A. Yes. The mule was instructed by Nicolescu to go to  
24 Western Union and split the money to three parts.

25 Q. What is important about splitting the money into

Mr. Antonovici - Direct Cont'd

1 multiple parts?

2 A. Western Union had the rule that any amount over  
3 \$3,000 will be manually checked. At least, it is what we  
4 found out, and they had to do the amount, the split  
5 amounts in three because the car, the value of the car  
6 was around \$8 to \$9,000, and they was just splitting the  
7 amount in three equal parts, less than \$3,000. This way  
8 we had no problem in getting the money.

9 Q. And once — if you know, where was the money sent  
10 from America via Western Union?

11 A. In countries like Germany, Romania, Greece.

12 Q. And how do you know that?

13 A. Because I knew the guy who was picking up the  
14 money.

15 Q. And during this time of the scheme, approximately  
16 how much money was being received by you through this  
17 scheme?

18 A. I have to add something about the five days  
19 testimony, if possible; like you was asking me about the  
20 money, the amount of the funds that I make.

21 Q. Well, how much money were you receiving?

22 A. Yeah, okay. So between 2004, 2005 — I'm sorry —  
23 to 2009 or beginning of 2010 but mostly by the end of  
24 2009 was over \$2 million dollars —

25 Q. Okay.

Mr. Antonovici - Direct Cont'd

1 A. — from Western Union.

2 Q. Okay. And were there any other features with this  
3 eBay virus that the victim would see or that you saw when  
4 you were demonstrating?

5 A. Yes. First of all showed to me that he got the  
6 credit card numbers for the virus, the owner. Also —  
7 one moment — so he got the credit cards, the log-in to  
8 that eBay account, to the PayPal account, to the bank  
9 account, and he — there is the virus of the computer,  
10 basically that he used that option.

11 He could make sure that the scam people  
12 will not have any proof that didn't have a fake item on  
13 eBay. He would just wipe out their computer. Also, I  
14 know that —

15 MR. GOLDBERG: Objection.

16 THE COURT: Sustained.

17 BY MR. BROWN:

18 Q. Okay. Now, were there any other features you  
19 observed that the virus could do to an infected  
20 computer?

21 A. Yes. They had a live chat, a fake live chat, like  
22 you talk to eBay on a window. You talk to eBay through  
23 text.

24 Q. Is it a live chat feature?

25 A. Yes, it was. Back then, it was a live chat feature

Mr. Antonovici - Direct Cont'd

1 on eBay, and they blocked that on and had a fake one.

2 They were talking to the fake one with the buyers.

3 Q. Okay. And now did you ever see — you were talking  
4 about credit card information or other personal  
5 information.

6 Do you know where that information was sent  
7 to?

8 A. Most of the credit cards were used for personal use  
9 like creating accounts, eBay accounts, and also sold  
10 because you are talking they have a lot of credit card  
11 sources; they were selling those.

12 Q. Did you ever use the virus program yourself?

13 A. No. I don't have any idea for the tech things they  
14 were doing. One more thing if I can —

15 MR. O'SHEA: Objection.

16 THE WITNESS: No. All right. Okay.

17 BY MR. BROWN:

18 Q. Did you ever write anything to help the virus  
19 program run?

20 A. No. I had no idea what virus is, how it is  
21 programmed.

22 Q. Okay. Do you have any experience in programming  
23 computers?

24 A. Not at all.

25 Q. Have you ever written a computer program?

Mr. Antonovici - Direct Cont'd

1 A. No.

2 Q. Do you know any computer programming languages?

3 A. I don't.

4 Q. Now, what sort of information did you need to cash  
5 out a victim or cash out an amount?

6 A. I need the name of the receiver, which I provide  
7 them, and the tracking number of the money transfer, the  
8 Western Union money transfer and the amount, of course,  
9 plus the location, which I knew already.

10 Q. And do you know what MCTN number stand for?

11 A. Money control number.

12 Q. And once you received the money from Western Union  
13 what did you do with it?

14 A. I would forward the information to my European  
15 connection, European guy. And he used that MCTN number  
16 to pickup the money.

17 Q. Okay. And would he give you 100 percent of the  
18 money he picked up?

19 A. No.

20 Q. How much would you get?

21 A. 70, then 75 he increased to my person over time.

22 Q. And what would you do with the remaining 75  
23 percent?

24 A. I would keep 10 and have them get the 65.

25 Q. Who would you hand the remaining 65 percent

Mr. Antonovici - Direct Cont'd

1 to?

2 A. To Nicolescu Bogdan or himself.

3 Q. Who specifically?

4 A. Nicolescu Bogdan or/and Radu Miclaus.

5 Q. Other than Nicolescu and Miclaus, were there others  
6 you gave money to?

7 A. Once or maybe twice it was Danet, but I am not  
8 sure about the full name. That was another guy on their  
9 team.

10 Q. How would you — during this period, how would you  
11 typically communicate with Nicolescu?

12 A. Through instant messaging, which is a program called  
13 Pidgin, P-i-d-g-i-n

14 Q. And what is Pidgin?

15 A. It is similar to Yahoo messenger. It is almost the  
16 same, but it has another feature that allows you to talk  
17 and create that, so no one else can see what you are  
18 talking about.

19 Q. And do you know what program that was?

20 A. Yes, OTR.

21 Q. And is that on a computer; is that on a phone?

22 Where would you put that Pidgin and OTR?

23 A. On a computer. On the phone, we had another stuff,  
24 but I can't remember the name of that.

25 Q. Okay. And did you install Pidgin and OTR

Mr. Antonovici - Direct Cont'd

1 yourself?

2 A. Only Pidgin. OTR, I didn't know how to do it, but  
3 he explained it to me.

4 Q. Who installed OTR on your computer?

5 A. Nicolescu Bogdan.

6 Q. And who explained to you how to use Pidgin and  
7 OTR?

8 A. Nicolescu Bogdan.

9 Q. And during the same period, how did you communicate  
10 with Miclaus?

11 A. Through the same method.

12 Q. And did you know — or what was the user name you  
13 used on Pidgin and OTR?

14 A. I will spell it. It is I-n-z-a-t-o.

15 Q. And did you use Inzato for any other nicknames or  
16 monikers?

17 A. Please repeat that.

18 Q. Did you use the name Inzato anywhere else?

19 A. No, no.

20 Q. Just Pidgin?

21 A. Pidgin, yeah, and e-mail of course.

22 Q. And eBay?

23 A. E-mail.

24 Q. Oh, e-mail.

25 And what was your e-mail account with



Mr. Antonovici - Direct Cont'd

1 Inzato?

2 A. Inzato@Yahoo.com.

3 Q. Did you have any other e-mail names or nicknames?

4 A. Yes. I had back in 2004, '5 like morphiz,  
5 m-o-r-p-h-i z.

6 Q. Okay. Now, I would like to show you Exhibit 204.

7 If we just can take a look at it before we show the jury,  
8 I just want to make sure.

9 Do you recognize this?

10 A. I see my Inzato name, and right above that Bogdan  
11 name, which is Nicolescu.

12 Q. Okay.

13 MR. BROWN: Your Honor, can we publish this  
14 for the jury?

15 THE COURT: Any objection?

16 MR. GOLDBERG: No, your Honor.

17 MR. O'SHEA: No objection, Judge.

18 BY MR. BROWN:

19 Q. And is this the Pidgin with OTR chat, this program  
20 that you used?

21 A. OTR from outside, yes, this is how it looks but I  
22 don't understand a thing.

23 Q. Okay. In fact, is this Inzato you?

24 A. Should be me, yeah, yes.

25 Q. Okay. And to whom are you talking?

Mr. Antonovici - Direct Cont'd

1 A. To Radu Miclaus.

2 Q. And it says Radu Bogdan. Is that the same as Radu  
3 Miclaus.

4 A. Yeah, his complete name —

5 MR. GOLDBERG: Objection.

6 THE COURT: Sustained.

7 BY MR. BROWN:

8 Q. How do you know that that is Radu Miclaus?

9 A. Because I know his name.

10 Q. Okay. Thank you.

11 Now, did you continue doing cashouts for  
12 Nicolescu and Miclaus and Danet past 2010?

13 MR. GOLDBERG: Objection.

14 THE COURT: Overruled.

15 THE WITNESS: Yes.

16 BY MR. BROWN:

17 Q. Past 2010?

18 A. Yeah, but not with Western Union.

19 Q. Okay. And when did you stop doing cashouts for  
20 Nicolescu, Miclaus, and Danet?

21 A. With Western Union?

22 Q. Yes.

23 A. 2009, 2010.

24 Q. And why did you stop?

25 A. First of all, my connection got arrested. That's

Mr. Antonovici - Direct Cont'd

1 all. I couldn't continue.

2 Q. Other than your connection being arrested, were  
3 there any other reasons?

4 A. Yes, but this was the main one. They start  
5 cashing out with other guy. I don't know the name of  
6 that guy.

7 Q. Okay. Why did — and who started cashing out with  
8 another guy?

9 A. Nicolescu Bogdan and, of course, the other two.

10 Q. Why — if you know — or do you know why they  
11 switched to another person?

12 A. Yes. There were two reasons.

13 Q. What are they?

14 A. First of all, my connection couldn't get enough  
15 names, so they can't cash out all the money, and  
16 secondly, Nicolescu felt unsafe about doing business with  
17 me.

18 Q. Was it fair to say that Nicolescu was very concerned  
19 about security?

20 MR. GOLDBERG: Objection.

21 THE COURT: Sustained.

22 BY MR. BROWN:

23 Q. What did you do after you stopped doing cashouts for  
24 them?

25 A. I was doing business with my brother the next

Mr. Antonovici - Direct Cont'd

1 year.

2 Q. And is this the auto body business you testified  
3 about?

4 A. Yes.

5 Q. Did there come a time when you talked to Miclaus  
6 about getting back into cashouts?

7 A. Around 2014, at the beginning of the year.

8 Q. And did you approach Miclaus about that?

9 A. No, he approached me.

10 Q. And do you recall what he said?

11 A. Yes, of course. He said that their connection, the  
12 Western Union connection, so basically, they worked with  
13 some other guy after 2010 or something. They argue with  
14 that guy, and they stopped working with him. They lost  
15 some money, and they figured out a way to use the virus  
16 to get to another scam.

17 Q. Did he describe what kind of scam that was?

18 A. Yes.

19 Q. What was it?

20 A. Making online money called bitcoin. I can't  
21 explain.

22 Q. And in 2014, did you know what bitcoin was?

23 A. No.

24 Q. Did you ask Miclaus to explain bitcoin?

25 A. Yes. But he told me Nicolescu would do it for

Mr. Antonovici - Direct Cont'd

1 better.

2 Q. And in fact, did you talk to Nicolescu about  
3 bitcoins?

4 A. Yes.

5 Q. And based on what he told you did you get back  
6 involved with Nicolescu and Miclaus?

7 A. Yes.

8 Q. And at this point in 2014, were they still using the  
9 virus?

10 A. Yes.

11 Q. Were they still using is the virus to do eBay  
12 fraud?

13 MR. GOLDBERG: Objection.

14 Q. If you know?

15 THE COURT: Overruled. Do you know, sir?

16 THE WITNESS: I know, yes. They were  
17 stopping, stop eBay.

18 BY MR. BROWN:

19 Q. What were they using the virus for at that point  
20 then?

21 A. Making bitcoins, which is an online currency.

22 Q. Okay.

23 A. Similar to dollar.

24 Q. And when you came back into the group with Nicolescu  
25 and Miclaus, was anybody else involved?

Mr. Antonovici - Direct Cont'd

1 A. Yes, Nicolescu with Miclaus and Danet.

2 Q. Okay. And were they all doing the same bitcoin  
3 scheme with the virus?

4 A. Yes.

5 Q. Did they have you start doing the bitcoin scheme,  
6 like participate with the bitcoin?

7 A. No.

8 Q. What was your role when you came back?

9 A. Cashing out.

10 Q. Okay. And this time what did they mean by cashing  
11 out?

12 A. Offering them a bank account, so they can put the  
13 money from bitcoin and get them the money back, like real  
14 money.

15 Q. And did you, in fact, give them a bank account?

16 A. Yes.

17 Q. What bank account?

18 A. It was European bank account.

19 Q. Do you recall which bank account it was with?

20 A. ING.

21 Q. Is that the orange bank?

22 A. Yes, yes.

23 Q. And under what name did you open up a bank  
24 account?

25 A. My grandpa's name.

Mr. Antonovici - Direct Cont'd

1 Q. And what is your grandfather's name?

2 A. Popascu, Vasile, P-o-p-a-s-c-u, V-a-s-i-l-e. First  
3 name is Vasile, and Popascu is last name.

4 Q. And did your grandfather have access to that  
5 account?

6 A. Yes. But he gave me, hand me the credit card. He  
7 is old, like almost 80 years old. He didn't care. He  
8 just hand me the card, do whatever you want.

9 Q. So you had to take him to the bank to open up that  
10 account?

11 A. Yes.

12 Q. Did he ever put money into the account?

13 A. No.

14 Q. Is it fair to say you had access to that account?

15 A. Yes.

16 Q. Did anybody else have access to that account?

17 A. No.

18 Q. Did you give access to anybody else to that  
19 account?

20 A. No.

21 Q. Did you keep the bank card with you?

22 A. Yes.

23 Q. How would the money go from bitcoin into that  
24 account, or would you explain the cashout process now  
25 that you have a bank account?

Mr. Antonovici - Direct Cont'd

1 A. I gave them the bank account information, and they  
2 were setting up an account, an online account on websites  
3 like one of them, which I know one of the websites they  
4 used is bitcoin.de, a German bitcoin website.

5 What they were doing is selling the online  
6 bitcoin, the online currency for wire transfers, so  
7 the buyer was sending money directly to my Romanian  
8 account, and of course, they were buying bitcoins for  
9 that amount.

10 Q. What other bitcoin exchanges did they use besides  
11 bitcoin.de?

12 A. I don't know.

13 Q. Did you sign up for any other in your grandfather's  
14 name?

15 A. No.

16 Q. Did you have to create an e-mail for your  
17 grandfather's online account?

18 A. No.

19 Q. Now, did they ever explain to you how they made  
20 bitcoin or how they got bitcoin?

21 A. Yes. Of course — yes.

22 Q. How did they do it?

23 MR. O'SHEA: Objection. Approach real  
24 quick, Judge?

25 (Side bar held on the record.)



Mr. Antonovici - Direct Cont'd

1 MR. O'SHEA: Now, I know of hearsay  
2 exceptions for people accused, but he is saying "they"  
3 instead of any individual, and I need him to specify  
4 names. That's only fair.

5 THE COURT: That's a fair objection.

6 MR. BROWN: Your Honor, I will start using  
7 Defendant's names as much as possible.

8 THE COURT: Thank you.

9 (Side bar concluded.)

10 BY MR. BROWN:

11 Q. Who explained to you how these buyers was used to  
12 make bitcoin?

13 A. Nicolescu Bogdan.

14 Q. How did Nicolescu explain to you how the virus made  
15 bitcoin?

16 A. How?

17 Q. How, right.

18 A. By talking face to face for hours.

19 Q. How did Nicolescu explain how the virus — and this  
20 is — let me clarify.

21 This is the same virus that was being used  
22 initially for eBay fraud?

23 A. Yes.

24 Q. So this is his virus?

25 A. Yes.

Mr. Antonovici - Direct Cont'd

1 Q. How did Nicolescu explain how his virus worked to  
2 make bitcoin?

3 A. He told me. He just told me how it works.

4 Q. Okay. Did the buyers have the infected computers do  
5 something?

6 A. Yes.

7 MR. GOLDBERG: Objection.

8 BY MR. BROWN:

9 Q. Did Nicolescu explain to you that his virus made the  
10 infected computers do something to make bitcoin?

11 MR. GOLDBERG: Objection.

12 THE COURT: Overruled. You may answer that,  
13 sir.

14 THE WITNESS: Yes. He explain to me.

15 BY MR. BROWN:

16 Q. How did Nicolescu explain to you how he made  
17 infected computers make bitcoin?

18 A. Linking together all the computer, the virused  
19 computers, like a big network.

20 Q. Did Nicolescu explain to you the importance of using  
21 infected computers to do this?

22 A. Yes.

23 Q. What — how did Nicolescu explain the importance of  
24 using infected computers?

25 A. Basically, one computer can make like maybe \$1.00 if

Mr. Antonovici - Direct Cont'd

1 you are run it for a day. If you have one hundred  
2 computer, you can get \$100. If you have a thousand  
3 computer, you can get \$100,000 linking computer power of  
4 many computers, just an example of money.

5 Q. So is it fair to say that Nicolescu explained to you  
6 the importance of using infected computers because the  
7 larger the botnet, the more bitcoin you can make?

8 A. Yes, of course.

9 MR. GOLDBERG: Objection.

10 THE COURT: Sustained. You will disregard  
11 that last answer, folks.

12 BY MR. BROWN:

13 Q. Did Nicolescu express to you that he wanted to  
14 continue to use his virus to infect the computer?

15 A. Yes.

16 Q. Did he express to you any opinion of how he wanted  
17 to grow his botnet?

18 MR. GOLDBERG: Objection.

19 THE COURT: Sustained. Rephrase.

20 BY MR. BROWN:

21 Q. Did Nicolescu say anything about wanting to continue  
22 to infect computers?

23 A. Yes.

24 Q. What did he say?

25 A. He said that he wants to get to as many computers as

Mr. Antonovici - Direct Cont'd

1 he could. He already had enough but wanted more to make  
2 more money.

3 Q. And when you were cashing out this money, who did  
4 you give the money to?

5 How did you get the money to Nicolescu and  
6 Miclaus and Danet?

7 A. I handed — I would give the money to Miclaus Radu  
8 in hand.

9 Q. So you testified in the first phase the eBay  
10 first phase, you would give it to Nicolescu, Miclaus,  
11 Danet?

12 A. Yes.

13 Q. And how would you do that? Was that cash, or was it  
14 a bank card?

15 A. Cash.

16 Q. Cash?

17 A. In hand, yeah.

18 Q. And would you do that on a street?

19 A. In a car.

20 Q. And who did you — you gave money in that phase to  
21 all three of them?

22 A. Yes, in the first phase.

23 Q. In the second phase, how did you get money to  
24 Miclaus and Nicolescu?

25 A. I was meeting Miclaus in my car and hand him the

Mr. Antonovici - Direct Cont'd

1 cash.

2 Q. So it was still cash in a car?

3 A. Yes.

4 Q. And what percent of this money did you get to  
5 keep?

6 A. Around 10 to 12.

7 Q. Percent?

8 A. Yeah.

9 Q. And about how much would that be per month?

10 A. 2014 to 2015 was like \$1,000 a month my share. Then  
11 \$2,000 the next year; and in 2016 around \$3 to \$4,000 a  
12 month my share.

13 Q. So that's the ten percent share?

14 A. Yeah, 10 percent share.

15 Q. So that would be between \$10 and \$20,000 a month in  
16 the first year, and then from '15 to '16, you said \$30 to  
17 \$40,000 a month?

18 A. Yes. 2016 was \$30 to \$40.

19 Q. And in this phase, how did you communicate with  
20 Nicolescu and Miclaus?

21 A. Through an encrypted software on the phone, and  
22 through WhatsApp and through Pidgin, encrypted computer  
23 software.

24 Q. So you are back to Pidgin with that OTR?

25 A. The same programs as we were using on eBay.

Mr. Antonovici - Direct Cont'd

1 Q. And WhatsApp as well?

2 A. I'm sorry?

3 Q. WhatsApp I think you said?

4 A. WhatsApp.

5 Q. What was your nickname on WhatsApp?

6 A. It is my phone number. WhatsApp uses our phone  
7 numbers to talk between us.

8 Q. Do you remember what phone number you had between  
9 2014 and 2016?

10 A. Yeah. It is the same as I have now.

11 Q. Do you mind telling the Court?

12 A. Yeah, it is Romanian code, looks like 077 400 000.

13 Q. And who did you talk to over the Pidgin and  
14 OTR?

15 A. To Miclaus Radu and Nicolescu Bogdan and Danet.

16 Q. Do you remember their Pidgin OTR nickname?

17 A. Yes.

18 Q. What was the Pidgin OTR nickname for Nicolescu?

19 A. Master Fraud and the number 1, Master Fraud 1.

20 Q. Okay. And did you know Bogdan Nicolescu to use  
21 Master Fraud 1 anywhere else?

22 A. His e-mail address.

23 Q. Do you recall what his e-mail was?

24 A. Master Fraud 1. I guess it was Yahoo.com. I am not  
25 100 percent sure.

Mr. Antonovici - Direct Cont'd

1 Q. Okay. And what about Miclaus?

2 A. Minolta 9797.

3 Q. Were there any other ways you would communicate or  
4 Miclaus or Nicolescu did communicate with you besides the  
5 Pidgin, OTR, and e-mail?

6 A. Encrypted phone software and Facebook page.

7 Q. Okay. And what was the encrypted phone software?

8 A. I don't know the name. I can't even recall  
9 that.

10 Q. Who installed the encrypted phone software on your  
11 phone?

12 A. Nicolescu.

13 Q. And the e-mails, were those just regular e-mails, or  
14 were they also encrypted?

15 A. E-mails were — e-mails was regular sent but has —  
16 we send the files through e-mail like zip and the  
17 passport.

18 Q. So there is an encrypted zip file?

19 A. Inside, yes.

20 Q. Did you know how to do that before rejoining  
21 Nicolescu and Miclaus and Danet?

22 A. Yes.

23 Q. Do you recall what encryption programs you used, the  
24 names of them?

25 A. I can't hear that.

Mr. Antonovici - Direct Cont'd

1 Q. Do you recall any of the other names of encryption  
2 programs you had to use?

3 A. No. That's what it was.

4 Q. Okay. And did you do anything to your computer to  
5 protect it?

6 A. No.

7 Q. Okay. Do you normally use encrypted means of  
8 communication to talk to people?

9 A. No.

10 Q. Was this something different or extraordinary?

11 A. Yes, of course.

12 Q. When you would log on to your e-mail, did you have a  
13 procedure to do that? Could you log on just on your  
14 laptop?

15 A. No.

16 Q. What would you — what were you told to do to log on  
17 to your laptop to access your e-mail, for instance?

18 MR. O'SHEA: Objection. Specify.

19 THE COURT: Sustained.

20 BY MR. BROWN:

21 Q. Were there certain steps you took when you were  
22 logging on to check e-mail?

23 A. Yes, of course. When I would open computer, I just  
24 put the password for encryption program, then another  
25 password for the windows program, and of course, the



Mr. Antonovici - Direct Cont'd

1 password before why I log into the e-mail.

2 Q. Okay. And what encryption program was on your  
3 computer?

4 A. TrueCrypt.

5 Q. And did you install TrueCrypt on your computer?

6 A. Yes.

7 Q. Is that a program you are familiar with?

8 A. Yes.

9 Q. Do you use it normally?

10 A. Yes.

11 Q. Did you ever at this point use proxies?

12 A. Yes.

13 Q. And again, I think you testified on Friday about  
14 your prior use of proxies. Did you use them for the same  
15 purpose?

16 A. Yes.

17 Q. And how often would you use a proxy to get on to the  
18 internet?

19 A. Every time.

20 Q. Okay. And why did you do that?

21 A. So my meal location can be protected, hide on.

22 Q. Did you ever talk to either Nicolescu or Miclaus  
23 about using proxies?

24 A. Yes.

25 Q. And did they express an opinion, either Nicolescu or

Mr. Antonovici - Direct Cont'd

1 Miclaus, about the use of proxies?

2 MR. O'SHEA: Objection.

3 THE COURT: Sustained.

4 BY MR. BROWN:

5 Q. Did Nicolescu express to you an opinion about the  
6 use of proxies?

7 MR. GOLDBERG: Objection.

8 THE COURT: Overruled.

9 THE WITNESS: Yes.

10 BY MR. BROWN:

11 Q. What was the opinions that he expressed to you?

12 A. That this is the only way you can be protected, the  
13 only way, good way to be protected.

14 Q. Did Miclaus express to you an opinion about using  
15 proxies?

16 A. The same one.

17 Q. Now, I would like to show you what has been  
18 previously marked as Government's Exhibit 1446, and if he  
19 could go to the second page. Thank you.

20 Do you recognize this?

21 A. Is not yet showing up.

22 THE COURT: Oh, I'm sorry.

23 A. Yes. I remember this.

24 Q. And what do you recognize that to be?

25 A. It is a proxy list.

Mr. Antonovici - Direct Cont'd

1 Q. And do you know who created that proxy list?

2 A. Yes.

3 Q. And who created that proxy list?

4 A. Nicolescu Bogdan.

5 Q. And did he tell you to use these proxies when you  
6 were working for him?

7 A. Yes.

8 Q. And in fact, did you use those proxies when you were  
9 working for him?

10 A. No.

11 Q. Why not?

12 A. In order to use these proxies, he created a created  
13 a software, and I was just afraid to install it on my  
14 computer.

15 Q. Why were you afraid to install software Nicolescu  
16 designed?

17 A. Because I knew that —

18 THE COURT: One moment. Sustained.

19 BY MR. BROWN:

20 Q. Okay. Why were you afraid to install that software  
21 on your computer, the software you just described?

22 A. Because I knew he can create virus, viruses, and I  
23 was afraid not to get one.

24 Q. Now, in 2016, did Nicolescu say he was starting  
25 another scam based on the virus?

Mr. Antonovici - Direct Cont'd

1 A. Which year?

2 Q. 2016.

3 MR. GOLDBERG: Objection.

4 THE COURT: Overruled.

5 THE WITNESS: No. I don't know. 2016,  
6 no.

7 BY MR. BROWN:

8 Q. Did he ever tell you what he was doing from  
9 information he was able to sustain from the botnet?

10 A. Yeah, yes.

11 Q. What did he tell you?

12 A. He got with a virus. He also got like credit cards  
13 and bank accounts, log-ins, the same as previous time  
14 and were selling those, the same as when he was doing  
15 eBay scams because it was not the same thing basically,  
16 and sales, were selling the account, the log-in of the  
17 accounts and credit cards through websites.

18 Q. Okay. Now, I would like you to look at Government's  
19 Exhibit 1908.

20 Do you recognize this?

21 A. Yes, it is. It is a police warning — I don't know  
22 the term.

23 Q. Is this called a process verbal?

24 MR. GOLDBERG: Objection.

25 THE WITNESS: Yes.

Mr. Antonovici - Direct Cont'd

1 THE COURT: Overruled.

2 BY MR. BROWN:

3 Q. And do you recognize this as a process verbal for  
4 your house?

5 A. Yes.

6 Q. Okay. And could you describe — if we could go  
7 two pages in — is it fair to say that this is what  
8 the police fill out when they take things from your  
9 house?

10 A. Yes.

11 Q. And in fact, are you or is a homeowner allowed  
12 to walk around with the police as they are filling this  
13 out?

14 A. Yes.

15 Q. Did you walk around with the police when they were  
16 making their list?

17 A. Only I did, and my wife did the other rooms.

18 Q. Did you have an opportunity to review the process  
19 verbal while the police were at your house?

20 A. Yes, I did.

21 Q. And as far as you can tell, or I'm sorry.

22 At the end of the process, are you allowed  
23 to sign it?

24 A. Yes.

25 Q. Did you, in fact, sign it?

Mr. Antonovici - Direct Cont'd

1 A. Yes.

2 Q. As far as you can tell, is the information in 1908  
3 accurate in all respects?

4 A. Yes, it is.

5 Q. If we look at items 2 through 5, which is, I think  
6 — further up, back — on pages 2 through 5, are those an  
7 accurate list of the digital devices seized from your  
8 house?

9 A. Yes.

10 Q. And were you forced or coerced into signing that  
11 process verbal?

12 A. No.

13 Q. Now, do you see in the courtroom here today, do you  
14 see Bogdan Nicolescu?

15 A. Yes.

16 Q. Could you please point to Mr. Nicolescu and describe  
17 what he is wearing?

18 A. He is Nicolescu Bogdan, and he is wearing glasses  
19 and blue shirt with a black suit.

20 MR. BROWN: May the record reflect that he  
21 pointed to the Defendant Bogdan Nicolescu?

22 THE COURT: With or without a tie, sir?

23 THE WITNESS: Without.

24 THE COURT: Record may so reflect.

25 MR. BROWN: Thank you, your Honor.

Mr. Antonovici - Direct Cont'd

1 BY MR. BROWN:

2 Q. And to be clear, is the person you just identified  
3 also known to you as obe?

4 A. Yes.

5 Q. And also Master Fraud?

6 A. Yes.

7 Q. Now, was Master Fraud ever shortened in chats or  
8 e-mails?

9 A. Yes, MF, like Master Fraud.

10 Q. And how did you know Nicolescu used the name Master  
11 Fraud?

12 A. Because he gave me his name.

13 Q. Okay. Now, I would like to show you Exhibit 1909,  
14 which is —

15 Okay. If we can go to lines — I think  
16 lines 136 and 137. Page 10, I'm sorry. Can you go to  
17 page 10 of that document?

18 Do you recognize these to be your contact  
19 list from your cellphone?

20 A. Yes.

21 Q. Okay. And could you look at line 136?

22 A. Yes.

23 Q. And what does line 136 say?

24 A. Says MF, like the short cut name for Master  
25 Fraud.

Mr. Antonovici - Direct Cont'd

1 Q. And do you recognize the phone number associated  
2 with MF on line 136?

3 A. Yes.

4 Q. And whose phone number is that?

5 A. Nicolescu phone number.

6 Q. And looking at line 137, do you recognize that  
7 nickname?

8 A. It is the same one, yeah.

9 Q. Okay. And do you recognize the user ID?

10 A. His phone number, so yeah, the same.

11 Q. And that's the same number there on line 136?

12 A. Yes.

13 Q. Okay. Now, could we look at Government's Exhibit  
14 21?

15 Do you recognize the person on the  
16 left?

17 A. Yes. It is Nicolescu Bogdan.

18 Q. And is that a fair and accurate photograph of  
19 Nicolescu?

20 A. Yes.

21 Q. Okay. Is that how he appears today?

22 A. No.

23 Q. How — what's different?

24 A. He is much skinnier.

25 Q. But can you still tell it is the same person?



Mr. Antonovici - Direct Cont'd

1 A. Yes, of course.

2 Q. And do you know the person on the right?

3 A. I guess it is Simona, his girlfriend. I am pretty  
4 sure.

5 MR. GOLDBERG: Objection.

6 THE COURT: Objection to the "I'm pretty  
7 sure"? Would you clarify, please?

8 BY MR. BROWN:

9 Q. Do you know if that person is, in fact, the girl  
10 friend Simona?

11 A. I don't know one hundred percent sure. I only saw  
12 twice in my life.

13 THE COURT: I'm sorry. Would you repeat  
14 that, sir?

15 THE WITNESS: I said that —

16 MR. BROWN: Withdraw that question, your  
17 Honor.

18 BY MR. BROWN:

19 Q. But your testimony is that that is Nicolescu on the  
20 left?

21 A. Yes.

22 Q. Okay.

23 MR. BROWN: Now, I would like to play for  
24 you Government's Exhibit 2223 for the witness.

25 And we might have to close out of our trial

Mr. Antonovici - Direct Cont'd

1 program. It will take just two clicks.

2 THE COURT: All right. Sure.

3 Folks, if you want to stand and stretch,  
4 feel free to do so.

5 (Pause.)

6 BY MR. BROWN:

7 Q. Now, during the time you knew Nicolescu, did you  
8 know him to have any employment?

9 A. No.

10 MR. GOLDBERG: Objection.

11 THE COURT: Overruled.

12 BY MR. BROWN:

13 Q. So during the time you knew him, he had no outside  
14 source of income?

15 A. No.

16 Q. Now, you testified you had a telephone number with  
17 Defendant Miclaus?

18 A. Yes.

19 Q. What nicknames did you know Miclaus to use?

20 A. Minolta 9797.

21 Q. Any other nicknames?

22 A. And yeah, the second one was or only a messenger,  
23 was Radu as his name SPR.

24 Q. And what's the significance of SPR?

25 A. For me, it was like police security or something

Mr. Antonovici - Direct Cont'd

1 like that. I don't know exactly what it means.

2 Q. So he just put that after his name?

3 A. Oh, yeah. It was — I remember one of his car  
4 license plates.

5 Q. It is also a car license plate?

6 A. Yes.

7 Q. Is that common to use in Romania, to use license  
8 plates as part of your online identity.

9 A. Yes, it is.

10 Q. And in fact, did Nicolescu also do that with an  
11 e-mail address?

12 A. Yes.

13 Q. And what was that e-mail address?

14 A. Bogdan.WBW.

15 Q. And do you know why Miclaus used Minolta?

16 A. Minolta was used for doing the encryption part like  
17 we talked about the frauds, using that user name.

18 Q. And which programs would you use to communicate with  
19 Miclaus?

20 A. The same one, OTR, WhatsApp, encrypted phone.

21 Q. Okay. And if we could look at 1909 again, if we  
22 could go to page 12, and is this still the contact list  
23 from your phone?

24 A. Yes.

25 Q. And if you could look at lines 175 through

Mr. Antonovici - Direct Cont'd

1 178?

2 A. Yes.

3 Q. And 175, what is the user name or the name?

4 A. Radu.

5 Q. Okay. And what are the two phone numbers? Are  
6 those the phone numbers associated with Radu?

7 A. Yes.

8 Q. And whose phone numbers are they?

9 A. Radu's phone numbers.

10 Q. And Radu, do you know the last name of 175?

11 A. Radu Miclaus.

12 Q. Okay. And are those the two same phone numbers in  
13 lines 176 and 177?

14 A. Yes.

15 Q. And in fact, are those the same phone numbers used  
16 as WhatsApp users names in 178?

17 A. Yes.

18 Q. And is the Radu in 175, 176, 177, and 178 the same  
19 Radu?

20 A. Yes, the same.

21 Q. Okay. And which Radu is that?

22 A. Radu Miclaus.

23 Q. Now, if you could take a look in the courtroom  
24 today, could you point out and describe Radu Miclaus and  
25 what he is wearing?

Mr. Antonovici - Direct Cont'd

1 A. Yes. He is in the black shirt without a tie, and I  
2 guess it is black shirt — blue-black shirt, short cut,  
3 the hair short, very short.

4 THE COURT: I'm sorry. What was that last  
5 part?

6 THE WITNESS: Short, the hair, is really  
7 short.

8 MR. BROWN: May the record reflect that the  
9 witness pointed out Defendant Radu Miclaus?

10 THE COURT: Well, what color is the shirt,  
11 sir?

12 THE WITNESS: Blue, light blue.

13 THE COURT: Without a tie?

14 THE WITNESS: Without a tie, yeah.

15 THE COURT: Record may so reflect.

16 MR. BROWN: Thank you, your Honor.

17 BY MR. BROWN:

18 Q. And for the record, is that the same person who you  
19 knew by Minolta 9797?

20 A. Yes.

21 Q. And is that the same person that you knew as Radu  
22 SPR or S-P-R.

23 A. Yes.

24 Q. Now, do you know if Miclaus has any hobbies?

25 A. Yes.

Mr. Antonovici - Direct Cont'd

1 Q. What hobbies does he like?

2 A. Riding a motorcycle and skydiving.

3 Q. How often does he sky dive?

4 A. Everyday, was like a full-time job.

5 Q. Okay. Was it, in fact, a full-time job?

6 A. Sorry?

7 Q. Was he, in fact, employed as a skydiving  
8 instructor?

9 A. Yes.

10 Q. Do you know — did he earn a lot of money from  
11 that?

12 A. No.

13 Q. Did you ever sky dive with him?

14 A. No. I am afraid.

15 Q. Okay. Now, did you know any online nickname for  
16 Danet?

17 A. Yes.

18 Q. What nicknames?

19 A. Amy almighty, a-m-y, almighty, like God almighty.

20 Q. Amy almighty?

21 A. Yeah.

22 Q. And was that an e-mail account or —

23 A. It is an e-mail, and we used that e-mail as a name  
24 as well.

25 Q. Okay. And if you were talking to Danet about

Mr. Antonovici - Direct Cont'd

1 cashout, what e-mail would you use?

2 A. With Danet?

3 Q. Yes.

4 A. That account.

5 Q. If you are talking to Miclaus about cashout, what  
6 e-mail?

7 A. His e-mail is Minolta 9797.

8 Q. And if you are talking to Nicolescu about cashing  
9 out, what e-mail would you use?

10 A. Master Fraud 1.

11 Q. Did you ever know the three of them to trade  
12 nicknames?

13 A. I don't know that.

14 Q. Did you ever send an e-mail to Miclaus using Master  
15 Fraud?

16 A. No.

17 Q. Did you ever send an e-mail to Nicolescu using  
18 almightysa?

19 A. No.

20 Q. Did you ever send an e-mail to Danet using Minolta  
21 9797?

22 A. No.

23 Q. Okay.

24 MR. BROWN: Those are all the questions I  
25 have at this time.

Mr. Antonovici - Direct Cont'd

1 THE COURT: You are not playing the  
2 video?

3 MR. BROWN: No. We will play it.

4 Q. Could you take a listen to 2223?

5 (Audio file played from 2223 in  
6 Romanian.)

7 Q. Do you recognize any of those voices?

8 A. Yes, the main one is Nicolescu Bogdan for sure.

9 THE COURT: I'm sorry. Would you repeat  
10 that, sir?

11 THE WITNESS: Yeah. I said the main voice  
12 is Nicolescu Bogdan for sure.

13 BY MR. BROWN:

14 Q. And your testimony was you knew Nicolescu since  
15 fifth grade?

16 A. Yes.

17 Q. And is it fair to say you talked to him weekly?

18 A. Not necessarily but I talk.

19 Q. On a regular basis?

20 A. On a regular basis.

21 Q. Is it fair to say you talked to him on the  
22 phone?

23 A. Yes.

24 Q. In person?

25 A. Yes.



Mr. Antonovici - Direct Cont'd

1 Q. And you are familiar with his voice?

2 A. Yes.

3 Q. And do you know who the female was?

4 A. No.

5 Q. Were you able to tell what he was talking  
6 about?

7 A. Yes. The female —

8 MR. GOLDBERG: Objection.

9 THE COURT: Sustained.

10 BY MR. BROWN:

11 Q. Was Nicolescu talking about activities related to  
12 criminal activities involving cashout and use of the  
13 virus?

14 MR. GOLDBERG: Objection.

15 THE COURT: Sustained.

16 BY MR. BROWN:

17 Q. The voice you heard was Nicolescu?

18 A. Yes.

19 Q. Was he — can you tell if this was over the  
20 encrypted communication devices?

21 MR. GOLDBERG: Objection.

22 THE COURT: Sustained.

23 MR. BROWN: No further questions.

24 THE COURT: Mr. Goldberg?

25 MR. GOLDBERG: Thank you, your Honor. If

Mr. Antonovici - Cross

1 you don't mind putting up Exhibit 1909, page 10.

2 CROSS EXAMINATION

3 BY MR. GOLDBERG:

4 Q. Good afternoon, Mr. Antonovici.

5 A. Good afternoon.

6 Q. I am going to ask you some questions. If you don't  
7 understand what I am saying, please tell me so. If you  
8 answer, I am going to assume you understand. Okay?

9 A. Yes, sure.

10 Q. All right. Now, directing your attention to the  
11 exhibit you were just shown by Mr. Brown, line 136, you  
12 said MF?

13 A. Yes.

14 Q. Line 36 and 37, that is your abbreviation that you  
15 put in for Master Fraud, correct?

16 A. That's right.

17 Q. And then you indicated the phone number opposite  
18 that would be the phone number you had for Master Fraud  
19 who you identified as Mr. Nicolescu?

20 A. Yes.

21 Q. And this is the only phone number in your phone  
22 associated with Mr. Nicolescu, correct?

23 A. Yes.

24 Q. And that's the only phone number you have in  
25 any of your phones associated with Mr. Nicolescu,

Mr. Antonovici - Cross

1 correct?

2 A. Yes.

3 Q. Okay. And with regard to the WhatsApp, that's a  
4 manner in which you would speak or exchange encrypted  
5 messages with Mr. Nicolescu?

6 A. Yes.

7 Q. And you would do that — would you mainly use  
8 WhatsApp communication?

9 A. Yes, daily.

10 Q. Okay. Turning your attention to Exhibit 1908 if you  
11 don't mind putting that up.

12 So I am going to direct your attention to  
13 page — starting with page 10 of 1908, do you recognize  
14 that?

15 A. It is in English. Hold on a moment.

16 Q. When you went over these documents prior to your  
17 testimony, you looked at the Romanian versions and the  
18 English version?

19 A. Yes.

20 Q. And this is the English translated version of the  
21 search warrant for your house?

22 A. That's right.

23 Q. And it indicates that it was — it was a residence  
24 that was occupied by you and your wife, correct?

25 A. Correct.

Mr. Antonovici - Cross

1 Q. And your child, too, correct?

2 A. Yes.

3 Q. And it also indicates that they entered at a  
4 particular time in the afternoon, at 1:10 in the  
5 afternoon.

6 Does that sound correct?

7 A. I thought it was earlier, but I can't see  
8 here.

9 Q. Look at — we can go to page 15.

10 Do you see where it says 1:10 p.m., middle  
11 of the page?

12 A. Yes, the search began at 1:00. He came earlier,  
13 yeah.

14 Q. So when the police came in to your home at 1:10  
15 p.m., were you home?

16 A. Yes.

17 Q. Was your wife home?

18 A. Yes.

19 Q. Was your baby in the house?

20 A. Yes.

21 Q. Was your brother at the house?

22 A. No.

23 Q. So how did the police enter into your home?

24 A. Some lady outside knock —

25 Q. Yes.

Mr. Antonovici - Cross

1 A. — a female, and my wife opened. I was sleeping in  
2 the bedroom, and they like other people, person forced  
3 the door. He start screaming. And I woke up, and the  
4 three police officers took me, grabbed me, and say we are  
5 police, don't move.

6 Q. Okay.

7 A. And show me this.

8 Q. So they came into your house with wife and baby  
9 there. Did they have guns?

10 A. What?

11 Q. Did they have guns, weapons, firearms?

12 A. No, no.

13 Q. They came in without any weapons as far as you  
14 saw?

15 A. I don't know that. I can't remember that.

16 Q. Did they have to break the door?

17 A. No.

18 Q. Now, when they came in, you had a computer running  
19 at the time, correct?

20 A. Yes.

21 Q. And you tried to take that computer and break it or  
22 smash it or throw it out the window or do something with  
23 it?

24 A. To close it, to close the computer.

25 Q. You didn't try to break it?

Mr. Antonovici - Cross

1 A. No.

2 Q. Okay. And which computer did you have open at the  
3 time?

4 A. I don't know. It was a black computer.

5 Q. All right. So now, I am looking at page 11. Do you  
6 see page 11, the black Dell laptop?

7 Is that the one you were using at the  
8 time?

9 A. No. It was the black Asus.

10 Q. So the black Dell laptop, was that your computer?

11 A. Yes.

12 Q. And the blue HP laptop, was that your computer?

13 A. Yes.

14 Q. And the black Asus computer, was that your  
15 computer?

16 A. Yes.

17 Q. Okay. What about the black Acer laptop?

18 A. Yes, must be my computer.

19 Q. Must be. Is that what you said, must be your  
20 computer?

21 A. No, it is my computer.

22 Q. Going to the next page, page 12, the Seagate brand  
23 external hard drive, was that yours?

24 A. Yes.

25 Q. And Western Digital brand, was that yours?

Mr. Antonovici - Cross

1 A. Yes.

2 Q. Okay. The red HP laptop, was that yours?

3 A. I'm sorry?

4 Q. The next thing down is a red HP laptop?

5 A. Yes.

6 Q. That was yours, too?

7 A. Yeah.

8 Q. What about the — go down a little bit. The black  
9 Dell laptop, was that yours?

10 A. This, yes. They were all laptops.

11 Q. They were all yours?

12 A. Yes.

13 Q. And okay. Now, several of these computers contained  
14 encryption, correct?

15 A. Yes.

16 Q. And these computers are computers you used  
17 everyday?

18 A. No. Because — let me explain.

19 The Asus was everyday use. The red one was  
20 like watching movies for my kids, just playing movies and  
21 not encrypted. Hold on.

22 Q. Okay. Here, tell me which ones were encrypted.

23 A. The Asus.

24 Q. And which one?

25 A. And I guess the Asus. Can you show me the latest

Mr. Antonovici - Cross

1 page?

2 Q. Page 11.

3 A. Hold on. I think it was the Acer 1. No, not the  
4 Acer. Hold on.

5 Q. At least two computers were encrypted?

6 A. I had one, everyday use.

7 Q. The Acer computer — I'm sorry — the Asus computer  
8 that you had on at the time, that was fully encrypted,  
9 correct?

10 A. Yes.

11 Q. And you never gave the password to decrypt that  
12 computer to the police, did you?

13 A. I don't remember.

14 Q. You don't remember the password?

15 A. No.

16 Q. You remember fifth grade activities with  
17 Mr. Nicolescu?

18 A. Yes, of course.

19 Q. But you don't remember the password to the computer  
20 you use everyday. That's your testimony?

21 A. I can explain why.

22 Q. You can explain when Mr. Brown asks you.

23 MR. BROWN: Objection, your Honor.

24 THE COURT: Overruled. Ask your question  
25 again.



Mr. Antonovici - Cross

1 BY MR. GOLDBERG:

2 Q. You don't remember the password to the Asus  
3 computer, correct?

4 A. No.

5 Q. And that's the computer that you did your criminal  
6 activity on, correct?

7 A. Yes.

8 Q. And your criminal activity, as you told the  
9 Government, was not limited to just Bayrob activity. You  
10 had your own criminal activity.

11 A. Yes.

12 Q. And that went back — you said prior to 2004,  
13 correct?

14 A. Since 2004.

15 Q. Well, you were engaged in criminal activity before  
16 2004, were you not?

17 A. No.

18 Q. Okay. Well, you indicated you had never been  
19 convicted of a crime before. That was one of the first  
20 questions that you were asked by Mr. Brown. Do you  
21 remember that?

22 A. Yes.

23 Q. But that's not necessarily true, is it?

24 A. I was — it is called —

25 Q. There was a case.

Mr. Antonovici - Cross

1 MR. BROWN: Objection, your Honor. This is  
2 not appropriate for — could we approach?

3 THE COURT: One moment, side bar.

4 (Side bar held on the record.)

5 MR. BROWN: I understand that's an arrest,  
6 not a conviction, and that's not appropriate.

7 THE COURT: Is that an arrest or a  
8 conviction?

9 MR. GOLDBERG: It is not a conviction. I  
10 know that Duncan had asked him "had you ever been  
11 convicted of anything in your life?"

12 And he said "no."

13 And my information was that he had a  
14 burglary case, and I know that from his brother telling  
15 the police that at the police station.

16 THE COURT: Wait a minute. Hang on.  
17 Burglary case or burglary conviction?

18 MR. GOLDBERG: My understanding it that  
19 there was a conviction.

20 THE COURT: And based on what?

21 MR. BROWN: And your Honor, that was when he  
22 was 19. He is 38. That's 20 years, well over 10 years,  
23 the 10-year —

24 MR. GOLDBERG: I am not going under the  
25 evidence rule. I'm going to — but you can't get up and

Mr. Antonovici - Cross

1 say have you ever had a conviction and him say no and  
2 then there is, in fact, a conviction, even if it is more  
3 than ten years. You didn't say have you had a conviction  
4 in the last ten years. You said have you ever had a  
5 conviction.

6 MR. BROWN: You make it seem as if I have  
7 this amorphous case.

8 THE COURT: Okay. Gentlemen, let's all  
9 stop, take a deep breath.

10 On what basis are you telling me it was a  
11 conviction and no not an arrest?

12 MR. GOLDBERG: The basis is the information  
13 I've learned during the investigation of this matter,  
14 which is privileged, and the discovery.

15 THE COURT: That's not good enough. You  
16 have to show me that it was an actual conviction before I  
17 will allow this. We all know arrests don't come in, so  
18 you have to show me it was a conviction. Otherwise, I  
19 will not allow this line of questioning.

20 MR. GOLDBERG: I do not have a certified  
21 entry of conviction.

22 THE COURT: Because I say this because the  
23 Government is representing to me that it was not a  
24 conviction, am I correct.

25 MR. BROWN: That's correct, your Honor.

Mr. Antonovici - Cross

1 MR. O'SHEA: Well, my understanding is, from  
2 my own investigation is that it was something like a  
3 conviction/diversion, the Romanian version of that.

4 THE COURT: Mr. O'Shea, I am going to stop  
5 you. You have got to show me, as opposed to telling me  
6 what you learned from a private conversation with  
7 somebody else. So I am going to tell the jurors to  
8 disregard the last question and answer.

9 (Side bar concluded.)

10 THE COURT: Ladies and gentlemen, you are to  
11 disregard the last question and answer.

12 BY MR. GOLDBERG:

13 Q. So Mr. Antonovici, if you could possibly remember  
14 the password to the encryptions on your devices you would  
15 have given that to the police?

16 A. Yes, of course.

17 Q. Because you would have given them anything you you  
18 possibly could?

19 A. Yes.

20 Q. And that brings me back to another question you were  
21 asked by the Government when you first took the stand  
22 last week.

23 Do you remember Mr. Brown asking you if you  
24 agreed to testify?

25 A. Yeah.

Mr. Antonovici - Cross

1 Q. Okay. Now, you agreed means that they asked you,  
2 and you said yes, right?

3 A. Yes.

4 Q. Okay. Now, you also understand that there are  
5 consequences for your criminal consequences if you did  
6 not testify?

7 MR. BROWN: Objection, your Honor.

8 A. No.

9 THE COURT: Overruled. Is that your  
10 understanding, sir?

11 THE WITNESS: Yes.

12 BY MR. GOLDBERG:

13 Q. Okay. So it is your understanding that — well,  
14 hold on.

15 The Government gave you an agreement to not  
16 prosecute you, right?

17 A. Yeah.

18 Q. And that's where all the crimes have been committed  
19 since 2004 until 2016, correct?

20 A. Yes.

21 Q. Okay. And if you didn't show up here to testify, do  
22 you think that the Government would have to not prosecute  
23 you?

24 MR. BROWN: Objection.

25 A.

Mr. Antonovici - Cross

1 THE WITNESS: I don't understand.

2 THE COURT: Sustained to the form of the  
3 question.

4 BY MR. GOLDBERG:

5 Q. How did you get here? I mean, you took a plane  
6 obviously. Did you pay for the plane?

7 A. No.

8 Q. The Government sent you a ticket, right?

9 A. Yes.

10 Q. And did the Government send anybody to escort you  
11 here? Did you have somebody accompanying you from  
12 Romania to Cleveland?

13 A. No.

14 Q. Okay. So as part of the agreement to have you not  
15 be prosecuted — you are nodding — do you understand, as  
16 part of the agreement not to be prosecuted, you had to be  
17 here?

18 A. No.

19 Q. No. So you didn't have to testify? You just had to  
20 talk to them?

21 A. I am not following you. I am really sorry.

22 Q. Part of the whole deal was Antonovici doesn't get  
23 prosecuted, right?

24 A. Yes.

25 Q. But Antonovici answers all the questions, right?

Mr. Antonovici - Cross

1 A. Yeah.

2 Q. And Antonovici comes to Cleveland, right?

3 A. Yes.

4 Q. And Antonovici says whatever the Government asks  
5 him, answers whatever the Government asks him in Court,  
6 correct?

7 A. Yeah.

8 Q. And if they are happy with what you do, you don't  
9 get prosecuted, correct?

10 A. No, no.

11 MR. BROWN: Objection, your Honor.

12 THE COURT: Overruled.

13 A. That's not right, no.

14 THE COURT: This is cross examination.

15 BY MR. GOLDBERG:

16 Q. So it's not right. You don't have to make them  
17 happy?

18 A. No.

19 Q. You have to tell the truth, right?

20 A. Yes.

21 Q. Okay. And the truth is what you've already  
22 testified to, right?

23 A. Yes.

24 Q. And if you came in and said anything different, you  
25 would expect these guys to not be happy, correct?

Mr. Antonovici - Cross

1 A. No.

2 Q. Okay. So as long as —

3 A. I am here to tell the truth. That's — that's why I  
4 am here.

5 Q. You are only here to tell the truth?

6 A. Yeah. This is America. If you ask me — that was  
7 like a dream for me to see America.

8 Q. Say again?

9 A. I like America, too.

10 Q. So therefore, you are going to tell the truth in  
11 America?

12 A. I am sorry?

13 Q. I don't understand what you are saying. You like  
14 America.

15 A. Yeah.

16 Q. So what does that mean? You like the Government,  
17 you like these guys?

18 A. No. I like the people.

19 Q. Okay. So you are here to testify.

20 A. Yes.

21 Q. And if you do what the Government expects you to do,  
22 you get to not be prosecuted, right?

23 A. No.

24 Q. You are still going to be prosecuted?

25 A. No, because I telling the truth so.



Mr. Antonovici - Cross

1 Q. Okay. I understand you are saying you are telling  
2 the truth.

3 A. Yeah, that's what —

4 Q. Who decides whether you are telling the truth?

5 A. I.

6 Q. These guys. You decide or do these guys  
7 decide?

8 A. I guess there is only one truth. I'm sorry.

9 Q. Okay.

10 A. I am not following you. I am here to tell the  
11 truth, and I am here because I want to, so I don't  
12 understand your questions.

13 Q. Okay. That's fine. If you don't understand, that's  
14 my fault.

15 And it is your truthful testimony that  
16 you don't remember your passwords to your criminal  
17 computers?

18 A. I can explain why.

19 Q. Well, you can explain why on redirect.

20 But the basic answer is, you don't remember,  
21 correct?

22 A. Because — no.

23 Q. You don't remember.

24 A. No. I don't remember because it is not like in my  
25 head.

Mr. Antonovici - Cross

1 Q. And it is true in the last two and-a-half years you  
2 couldn't find those passwords, right?

3 A. Exactly.

4 Q. Okay. So when the police came into your apartment  
5 on September 29th, 2016, were you under arrest?

6 A. Yes.

7 Q. Was your wife under arrest?

8 A. No.

9 Q. Did she come to the police station with you?

10 A. No. I think it was after that.

11 Q. Well, at some point, she had been taken away in an  
12 ambulance?

13 A. Yeah, yeah.

14 Q. She was upset?

15 A. She is diabetic type 1.

16 Q. So she was diabetic, and that's why they took her  
17 away?

18 A. She was feeling sick.

19 Q. At some point, you were going to use your wife as a  
20 money mule in Europe, correct?

21 MR. BROWN: Objection.

22 THE COURT: Overruled.

23 BY MR. GOLDBERG:

24 Q. You never attempted to get identification for her to  
25 be a money mule?

Mr. Antonovici - Cross

1 A. No, no.

2 Q. Now, from 2004 up until the time you were arrested,  
3 it is your testimony you were engaged in criminal  
4 activity the entire time?

5 A. Yeah.

6 Q. Correct?

7 A. Yes.

8 Q. And prior to 2004, it is your testimony that you  
9 were not engaged in criminal testimony?

10 A. No. Not like internet or so, no.

11 Q. I'm sorry?

12 A. Not like internet or so.

13 Q. I am not limiting it to the internet. I said  
14 "criminal activity."

15 You went to Germany prior to 2004,  
16 right?

17 A. Yes.

18 Q. And there was a guy in Germany that you knew that  
19 was a criminal, right?

20 A. Yes.

21 Q. And you work with him in Germany committing crimes,  
22 correct?

23 A. Yes, basically.

24 Q. Okay. Well, so your criminal activity didn't  
25 start in 2004; it started before that when you were in

Mr. Antonovici - Cross

1 Germany?

2 A. That's why I say roughly 2004, so it is like a few  
3 months.

4 Q. But before that there was no criminal activity,  
5 right?

6 A. Yes.

7 Q. There was, or there was not?

8 A. No.

9 Q. There wasn't, okay. All right.

10 So you knew Mr. Nicolescu in middle school  
11 but not in high school, right?

12 A. Yeah.

13 Q. Okay. And you indicated that his nickname in middle  
14 school was obe?

15 A. Yes.

16 Q. Do you remember saying that?

17 A. Yes.

18 Q. Were you familiar with his other nickname. Do you  
19 remember Monononi?

20 A. No.

21 Q. You don't remember that nickname?

22 A. No.

23 Q. It was just obe?

24 MR. GOLDBERG: The spelling on Monononi is  
25 M-o-n-o-n-i.

Mr. Antonovici - Cross

1 Q. That one doesn't ring a bell?

2 A. No.

3 Q. Okay. So in 2004, you were doing your own  
4 eBay fraud; nothing to do with Mr. Nicolescu,  
5 correct?

6 A. Correct.

7 Q. And you were listing motorcycles for sale,  
8 right?

9 A. Yeah.

10 Q. And you were using some kind of trust account is  
11 what you indicated. How were you getting paid?

12 A. Through bank accounts.

13 Q. How were you getting the money?

14 A. Through bank account, yeah.

15 Q. Through a bank account.

16 Was it being wired, or was it being  
17 transferred by trust account?

18 A. Wired, yeah.

19 Q. So there was a trust website?

20 A. Yes.

21 Q. Okay. So it went that way —

22 A. Okay.

23 Q. — through a trust website and not necessarily  
24 through a money mule, right?

25 A. A trust account is like you are telling me, a

Mr. Antonovici - Cross

1 website, and the mule is the person with the bank  
2 account.

3 Q. Okay.

4 A. And the money was sent to the bank account that was  
5 listed on that website.

6 Q. Okay. And you set that up by yourself or, at least,  
7 without help of anybody from Bayrob?

8 A. Yes.

9 Q. Was that set up with your friend from Germany?

10 A. No.

11 Q. And you set up a way to set up a fake eBay  
12 sale?

13 A. Yes.

14 Q. And have the money sent to you in Europe, and  
15 then you would just disappear and go on to the next  
16 one?

17 A. Exactly.

18 Q. And you did that eBay fraud from 2004 all the way to  
19 2010 on your own, correct?

20 A. Yes.

21 Q. And you did it after 2010, correct?

22 A. No.

23 Q. You stopped in 2010?

24 A. Yes. And then, again, I did eBay fraud from 2004 to  
25 2016.

Mr. Antonovici - Cross

1 Q. Okay. And your eBay fraud was separate and  
2 apart from anything that we have heard about Bayrob,  
3 correct?

4 A. Yeah.

5 Q. The only connection was, as you testified, that you  
6 collected money and turned it over to Bayrob partners?

7 A. For the Group, yeah.

8 Q. Yeah. But you were also collecting money for other  
9 people that were committing internet fraud.

10 A. Yes.

11 Q. And you were also collecting money for your own  
12 internet frauds, correct?

13 A. Yes.

14 Q. So you were basically full-time driving basically  
15 from Germany, Hungary, places in Romania, Greece, picking  
16 up money and bringing it back, and only part of it had to  
17 do with Bayrob, right?

18 A. Yes.

19 Q. And as part of this deal you made with the  
20 Government, you didn't have to give any money back,  
21 correct?

22 A. Correct.

23 Q. You didn't even have to turn over your passwords,  
24 did you?

25 A. I had to.

Mr. Antonovici - Cross

1 Q. But you didn't. I mean, you never came up with your  
2 passwords, right?

3 A. Yes, I did.

4 Q. Now, you spoke to Mr. Danet more than a few times,  
5 right?

6 A. Yes.

7 Q. About bitcoin?

8 A. Not about bitcoin; about something else.

9 Q. About what?

10 A. About something else.

11 Q. He never told you he had bitcoins put away?

12 A. He didn't tell me that, no.

13 Q. So as part of your cooperation with the Government,  
14 did you give information about your friend in Germany who  
15 was committing crimes with you?

16 A. Can you, please?

17 Q. So you made a deal with the Government. You are  
18 going to testify and come in here and give information,  
19 right?

20 A. Yes.

21 Q. And did you happen to give information about anyone  
22 else you were collecting money from or for?

23 A. Yes.

24 Q. And you told them everything you did?

25 A. Yes.



Mr. Antonovici - Cross

1 Q. Did you give them the bank account information for  
2 your grandfather's bank account that we heard about a few  
3 minutes ago?

4 A. Yes.

5 Q. Now, you said that Mr. Nicolescu showed you the  
6 virus; didn't just tell you about it but showed it to  
7 you?

8 A. Yes, yes.

9 Q. And you were with him in the same room when that  
10 happened, right?

11 A. Yeah.

12 Q. And it was you and him and your wife or —

13 A. Me and him, that's all.

14 Q. Just the two of you, right?

15 A. Yes.

16 Q. And that was at his place or your place?

17 A. My place.

18 Q. At your place, but it was just the two of you?

19 A. Yeah.

20 Q. So — and he went on his computer to show you this,  
21 right?

22 A. Yes, of course.

23 Q. But no one else was there, and no one else saw  
24 this?

25 A. No.

Mr. Antonovici - Cross

1 Q. No one heard this. You didn't have your tape  
2 recorder running, right?

3 A. Nicolescu also told some other —

4 Q. My question was: It was only the two of you.

5 Did you make any kind of record or recording  
6 of this conversation?

7 A. No.

8 Q. And you talked about how the virus worked with  
9 Mr. Nicolescu on this occasion, and this is the one time  
10 he showed you, correct?

11 A. Yes.

12 Q. And when was that? Do you remember a year?

13 A. 2007 roughly, roughly.

14 Q. 2007, one conversation, no one else there, and that  
15 was where you learned everything you needed to do about  
16 the Bayrob virus, right?

17 A. Yeah.

18 Q. And at the time you had that conversation, you had  
19 already been familiar with how to use a proxy server,  
20 correct?

21 A. Yes.

22 Q. And you were already familiar with how to get money  
23 from America to Romania?

24 A. Yes.

25 Q. And cash it out, right?

Mr. Antonovici - Cross

1 A. Yes.

2 Q. And did you need to obtain a visa to come to  
3 United States for your testimony here?

4 A. No.

5 Q. Okay. Because you were coming through on behalf of  
6 the Government?

7 A. Yes.

8 Q. Do you currently have a visa to come to the  
9 United States?

10 A. No.

11 Q. Did you get any help from the United States with a  
12 visa?

13 MR. BROWN: Objection.

14 THE COURT: Sustained.

15 BY MR. GOLDBERG:

16 Q. Prior to 2007, you were working with your brother to  
17 launder money?

18 A. No.

19 Q. When did you start working with your brother to  
20 launder money?

21 MR. BROWN: Objection.

22 THE COURT: Sustained.

23 THE WITNESS: I didn't.

24 BY MR. GOLDBERG:

25 Q. Did you ever launder money with your brother?

Mr. Antonovici - Cross

1 A. No.

2 Q. And when you went to work with your brother —  
3 did you go to work with your brother in the body  
4 shop?

5 A. Yeah.

6 Q. When was that?

7 A. 2010.

8 Q. 2010?

9 A. Yeah.

10 Q. And when you were at the body shop, you were  
11 conducting fraudulent activity there as well?

12 A. No.

13 Q. So you weren't misbilling insurance companies or  
14 doing fraudulent repairs on vehicles?

15 A. No.

16 Q. That was completely legitimate business?

17 A. Yes.

18 Q. But you left that business and went back in to doing  
19 money laundering?

20 A. Yes.

21 Q. Now, because you were doing eBay fraud during these  
22 years on your own, you were aware that there were various  
23 computer viruses that were affecting eBay websites,  
24 correct?

25 MR. BROWN: Objection.

Mr. Antonovici - Cross

1 THE COURT: Overruled.

2 Q. You weren't or —

3 THE COURT: Do you know the answer to  
4 that?

5 A. Yeah. I didn't know if there were any other viruses  
6 for eBay.

7 Q. You didn't ever see any warnings or any type of  
8 material that would warn about viruses —

9 A. No.

10 Q. — associated with computers?

11 A. There were not.

12 Q. And the first time you ever heard about that was  
13 when you talked to Mr. Nicolescu?

14 A. Yeah.

15 Q. And you are back in the car repair business with  
16 your brother now?

17 A. Yes.

18 Q. Correct?

19 A. Yes.

20 Q. When you met with the Government on the 29th of  
21 September 2016, they told you you were in a lot of  
22 trouble, right?

23 I mean, you were arrested and brought down  
24 to the police station, right?

25 A. Yes.

Mr. Antonovici - Cross

1 Q. And you knew you were in trouble?

2 A. Yes.

3 Q. And the FBI was asking you specific questions about  
4 your money-laundering activities, correct?

5 A. Yes.

6 Q. They were asking you about Mr. Nicolescu, Mr. Danet,  
7 Mr. Miclaus?

8 A. Exactly, exactly.

9 Q. Okay. They were interested in information regarding  
10 those guys, right?

11 A. Yes.

12 Q. And even though, the FBI didn't promise you anything  
13 that day.

14 A. No.

15 Q. They told you that it would be better for you to  
16 cooperate than to not cooperate?

17 A. No.

18 MR. BROWN: Objection.

19 THE COURT: Overruled. The answer will  
20 stand.

21 BY MR. GOLDBERG:

22 Q. They told you that you were in a lot of trouble, but  
23 then, you decided you wanted to cooperate?

24 A. They don't say I was in trouble. I just said I  
25 would cooperate.

Mr. Antonovici - Cross

1                   So they didn't ask me anything besides that  
2 I was brought there, and I said in the first second, I  
3 said "I am not with these guys. What is the problem?  
4 What do you need to know? That is the truth.

5 Q. Okay. So you got there and you immediately  
6 volunteered?

7 A. Immediately because —

8 Q. You got to the police station, and you immediately  
9 volunteered what they wanted to know?

10 A. Yes, yes.

11 Q. And eventually in talking to the police and then the  
12 FBI and the prosecutors in this case, as long as you  
13 stuck with what you told them, you don't get prosecuted,  
14 correct?

15 A. Can you repeat?

16 Q. As long as you stick with the story you told the  
17 police from the beginning, you get to go home when you  
18 are done testifying here?

19 A. Yes.

20 Q. And to be with your wife and baby?

21                   MR. BROWN: Objection.

22                   THE COURT: Overruled.

23 BY MR. GOLDBERG:

24 Q. And if you didn't get on that plane to come here,  
25 you would be prosecuted?

Mr. Antonovici - Cross

1 MR. BROWN: Objection.

2 THE COURT: Is that true or not?

3 THE WITNESS: It is not true.

4 BY MR. GOLDBERG:

5 Q. So you believe if you just didn't show up here  
6 today, it would be fine with these guys?

7 A. Oh, yeah.

8 Q. Oh, yeah? It would be fine, just go home?

9 A. I guess so, yeah.

10 MR. BROWN: Objection, your Honor.

11 THE COURT: Overruled. That will all stand.

12 Q. And —

13 MR. GOLDBERG: If I can have a second, your  
14 Honor.

15 (Pause.)

16 BY MR. GOLDBERG:

17 Q. Now, do you remember telling the police when you  
18 were first brought to the police station that you had  
19 only been involved in fraud since 2012?

20 Do you remember originally telling them  
21 that?

22 A. No, I do not.

23 Q. Did you go over the notes of your conversations with  
24 the police prior to testifying here today?

25 A. No.



Mr. Antonovici - Cross

1 MR. GOLDBERG: Can I have a moment, your  
2 Honor?

3 THE COURT: You may.

4 MR. GOLDBERG: Would it be an appropriate  
5 time to take a break?

6 THE COURT: Yes. Ladies and gentlemen,  
7 please remember the admonition.

8 All rise for the jury.

9 (Recess had.)

10 THE COURT: Please be seated.

11 BY MR. GOLDBERG:

12 Q. Mr. Antonovici, you talked to the police and FBI on  
13 September 29th, 2016, correct?

14 A. Yes.

15 Q. And you went back a couple days later and talked  
16 some more?

17 A. Yes.

18 Q. And at that time, you talked to them about car  
19 registration fraud, correct?

20 A. What?

21 Q. Car registration fraud?

22 A. No.

23 Q. Romanian driver's license discovered in your e-mail  
24 account, do you remember the FBI showing you fake  
25 Romanian driver's licenses?

Mr. Antonovici - Cross

1 A. No.

2 Q. Okay.

3 A. I don't know, really.

4 Q. And you don't remember telling them about a scheme  
5 to register vehicles under false names?

6 A. No. Can I see that?

7 MR. GOLDBERG: May I approach the witness,  
8 your Honor?

9 THE COURT: You may.

10 BY MR. GOLDBERG:

11 Q. Looking at notes from your meeting with the FBI,  
12 would that refresh your memory?

13 A. Please, sure.

14 Q. It would refresh your memory?

15 A. I hope so.

16 Q. Would it help? Okay. Look at those notes there  
17 (Indicating.) That's what I am talking about right  
18 there.

19 A. Yeah. But I don't remember this. I mean, maybe  
20 they got it wrong or something. I would say —

21 Q. You mean the FBI got something wrong?

22 A. Yeah, but it is not like a broad scheme or  
23 something. It is nonsense.

24 Q. So you don't remember telling them about registering  
25 vehicles under false names?

Mr. Antonovici - Cross

1 A. No.

2 Q. And you never created false identification on  
3 yourself?

4 A. No.

5 Q. You are a hundred percent sure?

6 A. Yes.

7 Q. You said Mr. Nicolescu used the e-mail address  
8 Master Fraud 1?

9 A. Yeah.

10 Q. That was your testimony, right?

11 A. Yes.

12 Q. That's from e-mails you received, correct?

13 A. Yes. And I was talking like through Pidgin.

14 Q. Through Pidgin?

15 A. Yes.

16 Q. And that's not based on you actually sitting  
17 next to him and seeing him type in that name, but  
18 that's from receiving messages that you assume were  
19 his?

20 A. Yes.

21 Q. You never saw him actually working on the computer,  
22 correct?

23 A. No, but — no.

24 Q. You never saw him working on the computer.

25 Your answer is, you never saw him working on the

Mr. Antonovici - Cross

1 computer?

2 A. Yes.

3 Q. And can I see 1908, please, page 15; show it to the  
4 witness and jury.

5 I am directing your attention to the last  
6 page of the search warrant for your house.

7 A. Yeah.

8 Q. And before I ask you this, did you have any contact  
9 withs police regarding Bayrob or any of your criminal  
10 activities prior to September 29th, 2016?

11 A. No, I don't remember that.

12 Q. So as far as you knew, there was no investigation  
13 going on?

14 A. No, no.

15 Q. The first time you became aware of their being  
16 an investigation was when the police came to your  
17 house?

18 A. That's right.

19 Q. So I'm looking at the top —

20 A. I can't see.

21 Q. You can't see?

22 A. No, there is nothing here.

23 THE COURT: You cannot?

24 THE WITNESS: No.

25

Mr. Antonovici - Cross

1 Q. Let me know when you can see it.

2 A. Okay. I can see now.

3 Q. Okay. So I am looking at the top paragraph.

4 Can you read that to the jury starting "upon  
5 entering"?

6 A. The one on the right?

7 Q. Starting with "upon entering."

8 A. All right. "Upon entering of police officers into  
9 the property in question, Andrei Antonovici Bogdan" —  
10 they spell my last name — "tried to damage and shut down  
11 the Asus brand laptop, which was running with Asus laptop  
12 operating system."

13 Q. Okay. So you said earlier that you just closed  
14 it.

15 A. Yeah, yeah. That's what I say, sure.

16 Q. But the Romanian police say you tried to damage  
17 it?

18 A. Yeah. But there was like six, eight police, nobody  
19 saw damage. I had my hands like this, and I just press  
20 it like that. (Demonstrating.) That's all.

21 Q. So they got that wrong. If they said you tried to  
22 damage it, they got it wrong?

23 A. I did not. I did not. I just shut it down like  
24 this, that's all. (Demonstrating.)

25 Q. Then, the answer to my question is yes, they got it

Mr. Antonovici - Cross Cont'd

1 wrong, right?

2 A. Yeah.

3 MR. GOLDBERG: Thank you. Nothing further.

4 THE COURT: Mr. O'Shea?

5 MR. O'SHEA: Thank you.

6 CROSS EXAMINATION CONTINUED

7 BY MR. O'SHEA:

8 Q. Let me start off where Mr. Goldberg just ended.

9 Do you want this jury to believe you when  
10 you say to them under oath that when the police came in  
11 you just were politely coincidentally — do you know this  
12 term "coincidence"?

13 A. Yeah, yeah.

14 Q. That you were just doing that at the exact time they  
15 came; that you weren't trying to hide or destroy  
16 anything?

17 Is that what you want them to believe?

18 MR. BROWN: Objection, your Honor.

19 THE COURT: Sustained.

20 BY MR. O'SHEA:

21 Q. Did you really try to hide stuff from the police  
22 when they were coming in your house?

23 MR. BROWN: Objection, your Honor.

24 THE COURT: Overruled.

25 THE WITNESS: I was trying to shut down

Mr. Antonovici - Cross Cont'd

1 computer.

2 BY MR. O'SHEA:

3 Q. You were doing that to hide something from them,  
4 right?

5 A. Yeah.

6 Q. What were you trying to hide?

7 A. My eBay fraud.

8 Q. Stated another way: You were trying to hide from  
9 them your criminal activity, right?

10 A. Yes, Master Fraud.

11 Q. State your whole name again.

12 A. With letters.

13 Q. Your name?

14 A. Bogdan-Andrei, that's the first name. Last name is  
15 Antonovich-Urbonke.

16 Q. Bogdan, is that a common name in Romania?

17 A. Yes.

18 Q. Do a number of people that you know from this case  
19 actually have the name Bogdan?

20 A. Yes.

21 Q. So it is not uncommon to see "Bogdan" on all kinds  
22 of paper computers. It is a common name?

23 A. Yes.

24 Q. One of the things you said, sir, during the time  
25 that you were asked questions by Mr. Brown — and you

Mr. Antonovici - Cross Cont'd

1 correct me if I am wrong — "I like America"?

2 A. Yeah.

3 Q. Okay.

4 A. Who doesn't?

5 Q. Why?

6 A. Because the people are very polite here, seem  
7 polite. That's my —

8 Q. Do you regularly commit dishonest frauds on people  
9 you like?

10 MR. BROWN: Objection, your Honor.

11 THE COURT: Sustained.

12 BY MR. O'SHEA:

13 Q. How can you like America but have been committing  
14 the crimes that you talked about against America?

15 MR. BROWN: Objection, your Honor.

16 THE COURT: Sustained.

17 BY MR. O'SHEA:

18 Q. Now, did you like America just when you landed  
19 here, or did you like America when you were over in  
20 Romania?

21 MR. BROWN: Objection, your Honor.

22 THE COURT: Overruled.

23 A. When can I landed.

24 THE WITNESS: Can I continue now?

25 THE COURT: You may answer.



Mr. Antonovici - Cross Cont'd

1 THE WITNESS: Okay. I said to someone here  
2 that the young people in Romania should see, first,  
3 Americans and then think about scamming them. I  
4 didn't know how good the America people are comparing to  
5 Romania.

6 Q. Did you like American people when you were living in  
7 Romania?

8 A. I didn't care so much.

9 Q. But now since you have been here, that you came over  
10 in a plane, you landed here, and you walked around a  
11 little bit, now you like us?

12 A. Very much, yeah.

13 Q. Now, what do you understand, sir, about this  
14 term called an oath? Do you understand what an "oath"  
15 means?

16 A. No, sir.

17 Q. Do you know how long, once you got here to America,  
18 that you like now — how long did it take for these nice  
19 guys to help you prepare for your testimony? How many  
20 hours?

21 MR. BROWN: Objection, your Honor, to the  
22 form of the question.

23 THE COURT: Sustained.

24 BY MR. O'SHEA:

25 Q. How long did it take for you and these gentlemen

Mr. Antonovici - Cross Cont'd

1 from the Government to prepare you for your testimony  
2 here on Friday and today? How long?

3 MR. BROWN: Objection, your Honor.

4 THE COURT: Sustained.

5 BY MR. O'SHEA:

6 Q. When you go back to Romania, it is your  
7 understanding that you will be a free man,  
8 right?

9 A. Yes, yeah.

10 Q. Despite all the crimes that you've done,  
11 right?

12 A. I am not hundred percent, of course.

13 Q. Pardon me?

14 A. I am not 100 percent sure, of course.

15 Q. Did you testify on Friday when Mr. Brown was asking  
16 you questions that ever since that day in September 2016  
17 that you committed no crimes?

18 A. Yes.

19 Q. You are crime free now?

20 A. Yes.

21 Q. In order to get an idea on what happened on that  
22 day, they came in your house. I think we heard testimony  
23 there were police that day, right?

24 A. Yes. Yeah, of course.

25 Q. And when you were doing this closing of your laptop

Mr. Antonovici - Cross Cont'd

1 business, do you remember talking about that?

2 A. Yes, of course.

3 Q. How many police were in your house?

4 A. Roughly I think maybe ten.

5 Q. Were they all Romanian or some American  
6 agents?

7 A. Just one of them was American.

8 Q. Which one?

9 A. A male one.

10 Q. Male or female?

11 A. Male.

12 Q. Do you remember that agent's name?

13 A. No.

14 Q. Is he here in the courtroom?

15 A. No. I don't see him.

16 Q. Okay. So about nine Romanian police and one  
17 American agent, right?

18 A. Yeah.

19 Q. And how were they dressed, the Romanians?

20 A. Casual like business actually.

21 Q. Okay. And I am not clear about your answer with  
22 Mr. Goldberg.

23 Did any of them have firearms, guns? Did  
24 any of the Romanian police have guns?

25 A. They didn't point me guns.

Mr. Antonovici - Cross Cont'd

1 Q. I am not asking you if they pointed guns. I am  
2 asking you if they had them.

3 A. Yeah, the three of them who grabbed me.

4 Q. Long guns or just handguns?

5 A. Handguns.

6 Q. Did they have shields or badges?

7 A. Yeah, shields.

8 Q. Where did they have them on their belts?

9 A. Yeah.

10 Q. Do most Romanian police have shields on their  
11 belts?

12 MR. BROWN: Objection.

13 THE COURT: Sustained.

14 BY MR. O'SHEA:

15 Q. Did these agents from Romania all have shields on  
16 their belt?

17 A. All Romanian police?

18 Q. Or the policemen from Romania.

19 A. Yes, yes.

20 Q. So they had guns, there were nine of them, and they  
21 were all in your apartment, right?

22 A. Yes.

23 Q. And you live in this apartment with your wife and  
24 daughter, correct?

25 A. Yes.

Mr. Antonovici - Cross Cont'd

1 Q. And your wife was so distraught about what's  
2 happening that an ambulance had to take her to the  
3 hospital, right?

4 A. No. She had to, but she stayed in the house because  
5 the ambulance wasn't coming.

6 Q. Did your wife have to go see a doctor that day?

7 A. I don't know what she did after that. I was at the  
8 police all day.

9 Q. Did they take you and your wife?

10 A. But — she didn't go to the hospital after all. We  
11 waited like an hour for the ambulance, didn't come, then  
12 she was okay like.

13 Q. Why did they call the ambulance?

14 A. Because she was very sick at that time. She said "I  
15 am sick, I am sick."

16 Q. She was getting sick out of her mouth like throwing  
17 up?

18 A. No. She was laying in the bed, like saying "I am  
19 sick. My lungs are not getting air."

20 Q. Was she sick before the police came?

21 A. No, after. After she learn —

22 Q. Okay.

23 A. — like after an hour or so.

24 Q. Do you think the whole thing made her sick?

25 A. I believe so.

Mr. Antonovici - Cross Cont'd

1 MR. BROWN: Objection.

2 THE COURT: Sustained.

3 BY MR. O'SHEA:

4 Q. So I understand the timeline, before the  
5 police came, she is not sick; the police come; she is  
6 sick?

7 A. Yes. She is sick almost everyday now.

8 Q. No. I am just asking about that day, the day the  
9 police came in your apartment.

10 A. Yeah.

11 Q. Before they came in, she was not sick, but after  
12 they came in, she was sick?

13 A. Anyone who has diabetes knows — she had type 1, and  
14 this happens from time to time.

15 Q. Okay. All right. Did the fact that she was sick,  
16 did that make you nervous and concerned?

17 MR. BROWN: Objection.

18 A. Yes, of course.

19 THE COURT: Overruled.

20 BY MR. O'SHEA:

21 Q. Now, is part of what you are doing here today  
22 to make sure your wife doesn't get sick from all of  
23 this?

24 MR. BROWN: Objection.

25 THE COURT: Overruled.

Mr. Antonovici - Cross Cont'd

1 BY MR. O'SHEA:

2 Q. Do you understand the question?

3 A. Can you repeat?

4 Q. Okay. Sure.

5 Part of the reason that you are testifying  
6 here is because you don't want your wife to get sick from  
7 all this. Is that true?

8 A. No, she is okay.

9 Q. Okay. Now, I think you said that since this  
10 happened you work for your brother?

11 A. Yes.

12 Q. And that's your only job?

13 A. Yes.

14 Q. Is that how you support your family?

15 A. Yes.

16 Q. Does your wife work?

17 A. No.

18 Q. So all the money that comes into the house has to  
19 come through you. Am I right?

20 A. Yes, right.

21 Q. Okay. All right. How does your brother pay you  
22 money wise?

23 A. We get the money from the company, credit card.

24 Q. Do you remember when this nice man, Mr. Brown, asked  
25 you —

Mr. Antonovici - Cross Cont'd

1 MR. BROWN: Objection, your Honor.

2 Q. — if you got anything of value for your testimony.

3 Do you remember that question on Friday?

4 THE COURT: Overruled. Go ahead. You may  
5 answer.

6 BY MR. O'SHEA:

7 Q. Do you understand the question?

8 A. Can you — will you repeat it?

9 Q. Do you remember on Friday one of the first questions  
10 that Mr. Brown asked you was: Are you getting anything  
11 of value, sir, for your testimony?

12 Do you remember that question?

13 A. Yeah.

14 Q. And you answered no?

15 A. No.

16 Q. But that's not entirely accurate, right?

17 A. If you put a meal —

18 Q. But isn't it valuable to you, very valuable to you  
19 that you not get prosecuted and get separated from your  
20 family? Is it that valuable to you?

21 A. It is. Of course, it is.

22 Q. So you are getting something of value, aren't  
23 you?

24 A. Put it that way, yes.

25 Q. Tremendous value, big value. Is that right?



Mr. Antonovici - Cross Cont'd

1 MR. BROWN: Objection, your Honor. I think  
2 we covered all that.

3 THE COURT: Overruled.

4 THE WITNESS: Yeah, yes.

5 BY MR. O'SHEA:

6 Q. Could there be anything more valuable to you, sir,  
7 than your family and being with your family?

8 A. No.

9 Q. Let me ask you: You told the ladies and gentlemen  
10 of the jury on Friday that you think Mr. Miclaus went to  
11 computer school, remember?

12 A. Not Miclaus; Nicolescu.

13 Q. Nicolescu.

14 So we are clear to these folks, you never  
15 saw Mr. Radu Miclaus in any classes at any school ever in  
16 your life, right?

17 A. No, no.

18 Q. Okay. Do you remember on Friday saying that you  
19 made from your frauds, your frauds, about \$300,000?

20 A. Yes.

21 Q. Okay. Tell the ladies and gentlemen when you paid  
22 the Romanian income taxes for that \$300,000. When? When  
23 did you do it?

24 A. Never.

25 Q. Never. And you have testified in this courtroom

Mr. Antonovici - Cross Cont'd

1 that you made \$300,000 bucks.

2 Is part of the deal as well, sir, that the  
3 Romanian Government doesn't try to get the taxes on the  
4 \$300,000 that you made illegally?

5 A. If they are trying what?

6 Q. Have they ever said to you when they talked to you  
7 and you said "I made \$300,000 illegally while I stood  
8 in Romania," did they ever say we want the income tax  
9 money?

10 A. No.

11 MR. BROWN: Objection.

12 THE COURT: Sustained.

13 BY MR. O'SHEA:

14 Q. Tell the ladies and gentlemen of the jury, is it  
15 part of your deal that you give the \$300,000 back to the  
16 people that you took it from in this country?

17 MR. BROWN: Objection, your Honor.

18 THE COURT: Overruled.

19 BY MR. O'SHEA:

20 Q. Is it? Is part of your deal that you give the money  
21 back? Yes or no.

22 A. No.

23 Q. You get to keep the \$300,000 that you made from  
24 illegal activities, right?

25 A. Yeah.

Mr. Antonovici - Cross Cont'd

1 MR. O'SHEA: Can you put up Exhibit 204,  
2 please?

3 BY MR. O'SHEA:

4 Q. Do you remember being shown this exhibit before,  
5 sir? (Indicating.)

6 A. Yes.

7 Q. To be honest to the jury, you don't even know what  
8 this is, do you?

9 A. It is how an encryption looks like if you are not  
10 part of the real talk.

11 Q. How do you know what this is? You were told what  
12 this is —

13 A. No.

14 Q. — by the Government, right?

15 A. No. Because this is how an OTR looks like if  
16 you are outside the two person that sees this. It is  
17 normal.

18 Q. But the exhibit itself, you didn't go back to a  
19 computer in Romania and give it to the Government, did  
20 you?

21 A. No.

22 Q. And then when they were looking at this thing, they  
23 said "look here, right here, you see this because we are  
24 going to ask you about that." The Government produced  
25 that exhibit and then showed you where certain names

Mr. Antonovici - Cross Cont'd

1 were, didn't they?

2 MR. BROWN: Objection, your Honor.

3 THE COURT: Overruled. You may answer that.

4 A. Yes.

5 MR. O'SHEA: Can you pull up Exhibit 1446,  
6 please?

7 Can you scroll down to the second page?

8 BY MR. O'SHEA:

9 Q. I will ask you the same questions about this  
10 exhibit.

11 Do you remember being shown this exhibit by  
12 the Government?

13 A. Yes.

14 Q. Same questions: You didn't prepare this exhibit;  
15 the Government did and pointed at things and said there  
16 you go, right?

17 A. Yes.

18 Q. Do you have a brother?

19 A. Yes.

20 Q. What's his name?

21 A. Razvan, R-a-z-v-a-n.

22 Q. Is your brother still in Romania?

23 A. Yes.

24 Q. Did he ever get involved with some of these crimes  
25 with you?

Mr. Antonovici - Cross Cont'd

1 A. No.

2 MR. BROWN: Objection, your Honor.

3 THE COURT: Overruled.

4 BY MR. O'SHEA:

5 Q. In 2014, do you remember being or coming back to  
6 Romania from Bucharest?

7 MR. BROWN: Objection, your Honor.

8 THE COURT: Overruled. Can you answer that,  
9 sir?

10 THE WITNESS: No. I am not recalling that,  
11 sorry.

12 BY MR. O'SHEA:

13 Q. Where did you get the BMW 2018, you know, the BMW  
14 2018. Where did you get that car? Didn't you get that  
15 in Bucharest?

16 A. I got it from another city.

17 Q. Where did you get the money from that?

18 MR. BROWN: Objection, your Honor.

19 THE COURT: Overruled.

20 A. From the scam.

21 Q. Who is Kornica?

22 A. It is the Europe contact.

23 Q. Is that the guy in Germany that you were doing  
24 crimes with?

25 A. He is with one with the guys pickup the money.

Mr. Antonovici - Cross Cont'd

1 Q. Now, when you were working with the Romanian  
2 Government and the United States Government, did you tell  
3 them about Kornica, say "look, I got another guy I can  
4 give you"?

5 A. I told about him, him, yeah.

6 Q. Did you name him?

7 A. Yeah, but he was arrested anyway.

8 Q. Do you remember going to Bulgaria in 2006  
9 and '7?

10 A. Yes.

11 Q. And weren't you doing fake passports and IDs back  
12 then?

13 A. No, no.

14 Q. And just so that everyone is aware in case it  
15 is not clear, you were doing cashouts for a lot of  
16 people.

17 A. Not a lot of people.

18 Q. Other than the people that are accused here, right,  
19 or so you say?

20 A. No, no, for three people.

21 Q. Just three people?

22 A. Yeah.

23 Q. And you knew cashouts in your mind was something  
24 illegal, right?

25 A. I am sorry?

Mr. Antonovici - Cross Cont'd

1 Q. You knew that cashouts in your mind was  
2 illegal?

3 A. Yeah.

4 Q. Did you ever crash cars for insurance money?

5 A. No.

6 Q. Never?

7 A. No.

8 Q. Now, when you were arrested at your apartment in  
9 September 2016, you know, the day your wife wasn't  
10 feeling well, tell the ladies and gentlemen of the jury  
11 what kind of cars did you and your wife have? What type  
12 of car?

13 MR. BROWN: Objection, your Honor.

14 THE COURT: Overruled.

15 THE WITNESS: It was a Mercedes.

16 BY MR. O'SHEA:

17 Q. Mercedes?

18 A. Yeah.

19 Q. And your wife had a Mercedes, two Mercedes,  
20 right?

21 A. Yes.

22 Q. Do you still have them?

23 A. No.

24 Q. Did you sell them?

25 A. Yeah.

Mr. Antonovici - Cross Cont'd

1 Q. And you got those Mercedes based on the illegal  
2 activity money, right?

3 A. No.

4 Q. No?

5 A. No.

6 Q. You bought that with legitimate money?

7 A. Yes.

8 Q. Okay. Do you own an apartment building right now or  
9 an apartment? Do you own your apartment?

10 A. No, no.

11 Q. Do you rent your apartment?

12 A. Yeah.

13 Q. Does your brother own an apartment or anybody in  
14 your family or you?

15 MR. BROWN: Objection.

16 A. No.

17 THE COURT: Sustained.

18 MR. O'SHEA: One moment, please, your Honor.

19 THE COURT: Sure.

20 (Pause) .

21 MR. O'SHEA: Thank you, your Honor.

22 THE COURT: Any redirect?

23 MR. BROWN: No redirect from the Government,  
24 your Honor. Thank you.

25 THE COURT: Sir, you may step down.



Ms. Muhlenkamp - Direct

1 MR. BROWN: And your Honor, the Government  
2 calls Bonita Muhlenkamp.

3 (Pause.)

4 THE COURT: Please step up to the podium and  
5 please raise your right hand.

6 BONITA MUHLENKAMP

7 called as a witness by and on behalf of the Government,  
8 being first duly sworn, was examined and testified  
9 as follows:

10 DIRECT EXAMINATION

11 BY MR. McDONOUGH:

12 Q. Good afternoon. Could you please state your name,  
13 and spell your name for the benefit of our court  
14 reporter.

15 A. My name is Bonita Muhlenkamp. That's spelled  
16 B-o-n-i-t-a; last name is M-u-h-e-l-k-a-m-p.

17 Q. Are you presently employed?

18 A. No. I am retired.

19 Q. What are you retired from?

20 A. I am administrative assistant at a high school in  
21 Portland, Indiana.

22 Q. Where is Portland, Indiana?

23 A. Kind of in the middle of the state close to the Ohio  
24 line.

25 Q. How long were you an administrative assistant at

Ms. Muhlenkamp - Direct

1 that high school?

2 A. About nine years.

3 Q. What were your duties and responsibilities as an  
4 administrative assistant?

5 A. I worked in the guidance office there, and I worked  
6 with students that would come in needing a place to go,  
7 weren't sure where their classes were. If they had a  
8 problem with their locker, I helped them with that.

9 I also was in charge with something called  
10 senior honor site where they give awards and scholarships  
11 away. That was the main part of my job.

12 Q. How long did you do that job for?

13 A. For the senior honors site?

14 Q. At the high school.

15 A. I was there 13 years total. I was an aid in a  
16 special ed group earlier before I got the other job.

17 Q. Okay. Did you have any previous employment?

18 A. No. Self-employed.

19 Q. And how were you self-employed?

20 A. My husband and I started up a chicken operation  
21 where we had chickens that laid eggs, and I was the one  
22 that took care of it, and he worked off the farm and so I  
23 took care of that. We did it to raise money for our kids  
24 for college.

25 Q. Where did you grow up?

Ms. Muhlenkamp - Direct

1 A. I grew up in Celina, Ohio.

2 Q. And where is Celina, Ohio?

3 A. It is about an hour's drive from Lima, Ohio. It is  
4 still on the west side in Ohio, in the middle of the  
5 state.

6 Q. Okay. Can you tell us about your educational  
7 background?

8 A. Yes. I graduated from high school. It was a  
9 Catholic school, and then I went off and became a  
10 beautician; worked as a beautician for a couple years  
11 until after I was married, and I had gotten pregnant and  
12 had issues with that, and I had to quit.

13 Q. Okay. You mentioned that one of the reasons you  
14 started the chicken business with your husband was to  
15 save some money for college.

16 Can you tell us about your husband?

17 A. He was very special. He passed away about a  
18 year-and-a-half ago. We had four beautiful children, and  
19 right now we have seven grandchildren. He was a special  
20 man because he was a family — I mean he was very family  
21 oriented.

22 We have a hundred acre farm, and we have  
23 about a 10-acre woods in the back. We did a lot of  
24 things back at the woods where he would have his family  
25 come out, and we'd have hotdog roasts and things like

Ms. Muhlenkamp - Direct

1 that, and he would initiate that and initiate bike rides  
2 a lot.

3 Q. What was your husband's name?

4 A. Terry Muhlenkamp.

5 Q. Where did Terry grow up?

6 A. Terry grew up in St. Anthony. It is a small town  
7 just north of Fort Recovery, Ohio.

8 Q. What was his employment?

9 A. He worked as a foreman for an asphalt crew  
10 through Shelly Company and had that job for quite a few  
11 years.

12 Q. How long was he a foreman with the asphalt company?

13 A. I can remember at least probably 15 years he was a  
14 foreman, and before that he was a laborer.

15 Q. Is there a time period of the year when he would  
16 work on the asphalt crew as a foreman?

17 A. Yes. He would work usually around March or April  
18 and work all summer, and he came in the winter and worked  
19 in the chicken house when we had that.

20 Q. And the chicken house, are you familiar with  
21 Muhlenkamp Farms?

22 A. Yes, I am.

23 Q. What is Muhlenkamp Farms?

24 A. Muhlenkamp Farms is the chicken operation. It is  
25 now — we put it into an LTD, and then, my two sons take

Ms. Muhlenkamp - Direct

1 care of it now.

2 Q. And you have how many children?

3 A. Four.

4 Q. And what do your children do?

5 A. My oldest son and my youngest son are in the  
6 operation. They take care of the chickens, and then, I  
7 have a daughter who is an accountant for Deloitte Touche,  
8 and then, I have another son that is an auto mechanic.

9 Q. How did you get to Court from your home?

10 A. My oldest son Josh drove me up here.

11 Q. Okay. Now, I would like to ask you some questions  
12 for the time period of 2013 to 2015.

13 A. Okay.

14 Q. Did you have a computer at home?

15 A. Yes, we did.

16 Q. Do you recall what kind of computer you had?

17 A. It was not a laptop. It was one that had the tower,  
18 was on a desk, and you had to use it in a specific room  
19 the one I had.

20 Q. Who used the desktop computer at your house at that  
21 time?

22 A. Mostly me.

23 Q. Okay. Are you familiar with the website called  
24 Wal-Mart?

25 A. Yes, I am.

Ms. Muhlenkamp - Direct

1 Q. How are you familiar with Wal-Mart?

2 A. I have used it already, the Wal-Mart website, and we  
3 have a Wal-Mart that is not very far from where I lived,  
4 and I ordered things and had it delivered either to  
5 Wal-Mart or my house.

6 Q. You made purchases at Wal-Mart?

7 A. Yes.

8 Q. Would that be the brick and mortar Wal-Mart?

9 A. Yes.

10 Q. How about the online Wal-Mart.com?

11 A. I have also done that.

12 Q. Okay. When you made those purchases, how did you  
13 pay for your purchases on Wal-Mart.com?

14 A. With a credit card.

15 Q. Are you familiar with Google's gmail?

16 A. Yes.

17 Q. How are you familiar with Google's gmail?

18 A. Google's gmail, that was an e-mail I had when I was  
19 working through the school.

20 Q. Did you ever witness your late husband Terry use any  
21 of the following websites, Facebook?

22 A. Yes, I did.

23 Q. And how were you able to observe him using  
24 Facebook?

25 A. I sat next to him a lot because I didn't have the

Ms. Muhlenkamp - Direct

1 account. He had the account and would look at things  
2 together.

3 Q. Did you ever witness him use Yahoo, the Yahoo  
4 website?

5 A. Yes, I have.

6 Q. And can you tell us how did you witness him use the  
7 Yahoo website?

8 A. Sometimes I would be next to him when he was looking  
9 something up, or he would come and say "look at what I  
10 found" when he was looking something up, and I would go  
11 over and take a look.

12 Q. Did your husband have an e-mail account at  
13 Yahoo?

14 A. Yes, he did.

15 Q. And can I ask, are you familiar with the  
16 Terry4953@Yahoo.com?

17 A. Yes, I am.

18 Q. How are you familiar with that?

19 A. Because that's my husband's e-mail. I watched him  
20 put that in.

21 Q. Okay. Now, you mentioned you used a credit card to  
22 make purchases?

23 A. Yes.

24 MR. McDONOUGH: May I approach the witness,  
25 your Honor?

Ms. Muhlenkamp - Direct

1 THE COURT: You may.

2 BY MR. McDONOUGH:

3 Q. Showing you what has been marked for identification  
4 purposes as Government's Exhibit 2043, do you recognize  
5 that?

6 A. Yes, I do.

7 Q. What is it?

8 A. This is my credit card statement, my husband  
9 and I.

10 Q. What bank did you and your husband use back in  
11 2013?

12 A. It was through Farm Bureau Bank.

13 Q. Where is Farm Bureau Bank located?

14 A. Philadelphia.

15 Q. Okay. Did you have a credit card from Farm Bureau  
16 Bank?

17 A. Yes.

18 Q. Did your husband Terry have a credit card from Farm  
19 Bureau Bank?

20 A. Yes, he did. He did, too.

21 Q. Did the two credit cards have the same number or a  
22 different number?

23 A. The numbers were different, the last four  
24 digits.

25 Q. Okay.



Ms. Muhlenkamp - Direct

1 MR. McDONOUGH: Ms. Chandler, would you  
2 bring up Government's Exhibit 2043? And if we could zoom  
3 in to the bottom of that.

4 BY MR. McDONOUGH:

5 Q. Do you recognize the address 5938 State Route 49,  
6 Fort Recovery, Ohio 45846?

7 A. Yes, I do.

8 Q. What is that?

9 A. That is where we live and still live.

10 Q. If we could zoom out. If we could go to page 2 of  
11 that exhibit, please. If we could zoom into the top  
12 half, right about there. (Indicating.)

13 You mentioned the credit card said two  
14 different numbers. Are you familiar with the credit card  
15 that ended in -3416?

16 A. Yes, I am.

17 Q. And how are you familiar with that credit card?

18 A. That was my husband's credit card.

19 Q. What was the credit card that you had that ended in  
20 your — what was your credit card number that ended with  
21 the four digits?

22 A. -5147.

23 Q. And did you use your credit card to make purchases  
24 at Wal-Mart or Wal-Mart.com?

25 A. Yes, I did.

Ms. Muhlenkamp - Cross

1 Q. We could take that down. You mentioned your husband  
2 passed away. When did he get sick?

3 A. November 15th of 2017.

4 Q. And what was the —

5 A. He died of cancer.

6 Q. Cancer. All right.

7 MR. McDONOUGH: Thank you. I have no  
8 further questions.

9 THE COURT: Mr. Goldberg, cross examination?

10 MR. GOLDBERG: Thank you for your time,  
11 Ma'am.

12 No questions.

13 THE WITNESS: Thank you.

14 THE COURT: Mr. O'Shea?

15 CROSS EXAMINATION

16 BY MR. O'SHEA:

17 Q. Good afternoon, Ma'am. Do you still have that  
18 exhibit marked 2043 in front of you? Is it on your  
19 screen as well as a hard copy?

20 A. It is, yes.

21 Q. Just so I understand what's happening this  
22 afternoon, prior to today, when was the last time you saw  
23 Exhibit 2043?

24 A. This exhibit?

25 Q. Yes, ma'am.

Ms. Muhlenkamp - Cross

1 A. The last time I saw it?

2 Q. Before you sat down here?

3 A. Yesterday.

4 Q. Where did you see it?

5 A. I had it with me in my hotel room.

6 Q. And did it have an exhibit sticker on it?

7 A. No, it did not.

8 Q. And how did you get a copy? Did someone give it to  
9 you?

10 A. Of this?

11 Q. Yes, ma'am.

12 A. I just saw this now, and I showed it to the  
13 prosecutor yesterday.

14 Q. And prior to you showing it to the prosecutor where  
15 had you seen it, had you ever seen it before?

16 A. Yes, at my home.

17 Q. And did you meet with the prosecutor before you  
18 testified here or anybody from the prosecutor's office  
19 before you testified here for us this afternoon?

20 A. Yes, I did.

21 Q. Did you go over this document that you have in front  
22 of you, Ma'am?

23 A. Yes.

24 Q. Okay. And Fort Recovery, Ohio, is that near  
25 Celina?

Ms. Stallings - Direct

1 A. Yes.

2 Q. Did I mispronounce that?

3 A. Yes. Everybody does.

4 MR. O'SHEA: Thank you. Nothing further.

5 THE COURT: Any redirect.

6 MR. McDONOUGH: No redirect.

7 THE COURT: You may step down. Watch your  
8 step.

9 Call your next witness.

10 MR. BROWN: The Government calls Allynn  
11 Stallings.

12 ALLYNN STALLINGS

13 called as a witness by and on behalf of the Government,  
14 being first duly sworn, was examined and testified  
15 as follows:

16 DIRECT EXAMINATION

17 BY MR. BROWN:

18 Q. Good afternoon.

19 Could you please state your name and spell  
20 it for the jury?

21 A. Allynn Stallings, it is A-l-l-y-n-n, Stallings,  
22 S-t-a-l-l-i-n-g-s.

23 Q. And just city and state, where do you live?

24 A. North Canton, Ohio.

25 Q. And how long have you lived in North Canton, Ohio?

Ms. Stallings - Direct

1 You don't have to be specific with years if you don't  
2 want to.

3 A. Roughly all my life.

4 Q. Was there any time you didn't live in North  
5 Canton?

6 A. For two years, roughly '90 to '92.

7 Q. Okay. Were you living in Canton between 2013 and  
8 2016?

9 A. Yes.

10 Q. And who was living with you at that time?

11 A. My husband and my son.

12 Q. Okay. And could I have you pull the microphone a  
13 little bit closer to you? Thank you. It has been an  
14 ongoing with witnesses.

15 And what do you do?

16 A. I work for Norse Manufacturing as an administrative  
17 assistant.

18 Q. Okay. And how about your husband?

19 A. He is unemployed right now.

20 Q. And was he working between 2013 and 2016?

21 A. Yes. He worked for Metals USA at that time.

22 Q. Okay. And how about your son, between 2013-2016,  
23 how old was he?

24 A. Twenty two now, so that probably would have been 15,  
25 16.

Ms. Stallings - Direct

1 Q. And he was in high school, right?

2 A. Yes.

3 Q. North Canton, Hoover?

4 A. Yes.

5 Q. And during that time, 2013 to 2016, did you do any  
6 online shopping?

7 A. Yes.

8 Q. Did your husband?

9 A. Yes.

10 Q. Did your son?

11 A. Yes.

12 Q. What sorts of sites did you go to?

13 A. Your everyday store shopping, Amazon, eBay, all the  
14 — you know, any retail situation.

15 Q. Okay. How about your husband, you said he did  
16 online shopping?

17 A. He is a Craigslist and Avery freak.

18 Q. Okay. What sorts of things did he go to eBay to  
19 shop for?

20 A. Cars.

21 Q. Okay. What sorts of cars?

22 A. Classic cars.

23 Q. Is it fair to say he is a collector?

24 A. Yes.

25 Q. How many cars has he bought on eBay that you know

Ms. Stallings - Direct

1 about?

2 A. Three or four that I know of.

3 Q. You are under oath. I won't ask about the ones you  
4 don't know. Withdraw that.

5 (Laughter.)

6 Q. (Continuing) Between 2013-2016, did he purchase any  
7 cars on eBay?

8 A. Yes.

9 Q. Approximately how many?

10 A. Probably two or three at that time that I know of  
11 for sure.

12 Q. Okay. And how often would you or your husband be on  
13 eBay during those years?

14 A. Quite a bit because we bought things for my son,  
15 presents and things like that. He would always be  
16 looking at cars. My eBay account was constantly  
17 open.

18 Q. Constantly open?

19 A. Yes.

20 Q. And you have just one account?

21 A. Yes.

22 Q. And how many credit cards did you use online at that  
23 time?

24 A. We just had one we collectively used.

25 Q. Okay. And have you ever had a problem, or do you

Ms. Stallings - Direct

1 know if you or your husband has ever had a problem buying  
2 items on eBay?

3 A. Yes.

4 Q. What sort of problem?

5 A. He had made a purchase that — or he tried to make  
6 purchases that he would lose, and then he would get like  
7 second chance offers, or I would make purchases that — I  
8 made a purchase for my grandchildren that was from China,  
9 and it didn't come about.

10 Q. Okay. And with the auctions that your husband lost,  
11 was there anything that ever happened after he lost those  
12 auctions?

13 A. He would get second chance offers.

14 Q. Okay. And what are those?

15 A. That's if you lose the auction and the person who  
16 actually buys was the winner backs out, then the seller  
17 will go to the second highest bidder and give you a  
18 chance to purchase the item.

19 Q. And did you ever see the second chance offers he  
20 received?

21 A. Yes.

22 Q. Could you describe what they looked like?

23 A. It comes up as second chance offer. You didn't win  
24 the auction, but the auction fell through. So you have a  
25 second chance to buy the product.



Ms. Stallings - Direct

1                   And they send you pictures. They send you  
2 the whole auction thing again, and you have a buy-it-now  
3 thing that you could click.

4 Q. Okay. And did you ever see your husband click on  
5 the pictures?

6 A. Yes.

7 Q. More than once?

8 A. Yes.

9 Q. Okay. Is that something you would see him routinely  
10 do?

11 A. Yes.

12 Q. Okay. Did you ever see or did you ever have to  
13 validate an account that you were using by entering  
14 information?

15 A. Yes.

16 Q. And can you talk about what that process was  
17 like?

18 A. They ask you to put in your name, your password,  
19 relink your credit card to it, that kind of thing.

20 Q. Would you do that when prompted?

21 A. Me, no; him, yeah.

22 Q. Did you see him do that?

23 A. Yes.

24 Q. Would he do it often?

25 A. I hope not.

Ms. Stallings - Direct

1 Q. Now, during 2013 to 2016, were you having problems  
2 with your computer?

3 A. Yes.

4 Q. What sort of problems were you having with your  
5 computer?

6 A. We would get a screen that would pop up that says we  
7 have shut down your computer. You have to pay us so much  
8 money to get your computer unlocked.

9 MR. GOLDBERG: Objection.

10 THE COURT: Sustained.

11 BY MR. BROWN:

12 Q. Based on the problems you had with your computer,  
13 would you have to take it into the shop?

14 A. Yes. We would take it into the shop.

15 Q. Between 2013 and 2016, did you have to take your  
16 computer in more than once?

17 A. Yes, twice.

18 Q. I would like to show you what has been marked as  
19 Government's Exhibit 1204. And if we could look at line  
20 407, which is, I think, about page 4.

21 Now, could you look at page 407 —

22 A. Yes.

23 Q. — and can you tell me, is that your name?

24 A. Yes.

25 Q. And is that your address address?

Ms. Stallings - Direct

1 A. Yes.

2 Q. And is that your hometown and state?

3 A. Yes.

4 Q. Is that your Zip Code.

5 A. Yes.

6 Q. And is that your phone number?

7 A. No.

8 Q. Do you know that phone number?

9 A. Yes.

10 Q. Okay. Whose phone number is it?

11 A. That's my vet.

12 Q. Your vet?

13 A. Uh-huh.

14 Q. Is that your credit card number in the next  
15 row?

16 A. Yes.

17 Q. And is 11 and 2015 the expiration date if you  
18 recall?

19 A. I think so.

20 Q. And I am going to ask you, do you know what that 358  
21 is?

22 A. That's the code on the back of the credit card.

23 Q. Did you ever give your vet permission to use your  
24 credit card?

25 A. Probably, because I usually used a credit card at

Ms. Stallings - Direct

1 the vet's.

2 Q. But did you leave your credit card number at the  
3 vet?

4 A. No. It would have been a vet.

5 Q. Just a swipe so the vet never kept it?

6 A. No.

7 Q. And did you ever see any veterinarian charges you  
8 didn't know about?

9 A. No.

10 Q. Do you know what the Minolta is between the zero and  
11 your name?

12 A. No.

13 Q. And after you took your computer to the shop, do you  
14 use any security programs?

15 A. Yes.

16 Q. What kind of programs do you use?

17 A. Windows Defender.

18 Q. Okay.

19 MR. BROWN: Thank you. Nothing further,  
20 your Honor.

21 THE COURT: Mr. Goldberg?

22 MR. GOLDBERG: No questions, your Honor.

23 THE COURT: And Mr. O'Shea.

24 - - - - -

25

Ms. Stallings - Cross

1 CROSS EXAMINATION

2 BY MR. O'SHEA:

3 Q. Are you still looking at 1204 in front of you?

4 A. Yes.

5 Q. And is it still highlighted in yellow for you,  
6 Ma'am?

7 A. Yes.

8 Q. And someone just did that for you, did they  
9 not?

10 A. Yes.

11 Q. Now, this exhibit, someone had to show you this  
12 exhibit before you testified here and point out things to  
13 you.

14 Am I right about that, Ma'am?

15 A. Yes.

16 Q. Okay. And the vet phone number, I assume — I don't  
17 have my vet phone number memorized — prior to being  
18 involved with the Federal Government, did you actually  
19 have your vet number memorized?

20 Did you recognize it when you saw it, or did  
21 someone tell you that that's not your number?

22 A. No.

23 Q. And certainly — well, I could be wrong about this,  
24 you don't know — you you wouldn't have memorized your  
25 credit card number. Am I right?

Mr. Kuehl - Cross

1 A. I have.

2 Q. So if someone says "I need your credit card, the  
3 expiration date and the number on the date, you have that  
4 all memorized?

5 A. I did up until the new one I just received.

6 Q. You knew that by memory. So when you saw that  
7 credit card number, you actually memorized it as your  
8 credit card number?

9 A. Yes.

10 Q. Very good. Thank you very much. Nothing further.

11 THE COURT: Any redirect? Call your next  
12 witness.

13 MR. BROWN: And the Government will call —

14 MR. McDONOUGH: Larry J. Kuehl witness  
15 sworn.

16 LARRY J. KUEHL  
17 called as a witness by and on behalf of the Government,  
18 being first duly sworn, was examined and testified  
19 as follows:

20 DIRECT EXAMINATION

21 BY MR. McDONOUGH:

22 Q. Good afternoon. Could you please state your name,  
23 and spell your last name for the benefit of our court  
24 reporter?

25 A. My name is Larry Kuehl, K-u-e-h-l.

Mr. Kuehl - Cross

1 Q. What is your middle name?

2 A. John.

3 Q. By whom are you employed?

4 A. Dana, Incorporated.

5 Q. And in what capacity?

6 A. I am a facilities manager.

7 Q. How long have you been a facilities manager at the  
8 Dana Company?

9 A. I worked there two separate times for a total of 20  
10 years.

11 Q. What are your duties and responsibilities as a  
12 facilities manager?

13 A. I oversee taking care of all of the equipment and  
14 the building.

15 Q. What does Dana Company manufacture?

16 A. Dana, Incorporated, where I work, is in Lima, Ohio.  
17 It is about 500,000 square feet, and we build drive  
18 shafts and steering shafts.

19 Q. And drive shafts and steering shafts for what?

20 A. For semitrucks.

21 Q. Can you tell us a little bit about your prior  
22 employment, experience to Dana, Incorporated?

23 A. I worked at General Dynamics. I worked at tool and  
24 die shops, and I've worked at Copeland Corporation and  
25 Everyday Technologies.

Mr. Kuehl - Cross

1 Q. Okay. And can you tell us a little bit about your  
2 educational history?

3 A. I have a high school degree, and I went to school  
4 after that for four years in a tool and die and  
5 apprenticeship course.

6 Q. What do you like to do when you are not working?

7 A. I have four children. I do things with them like  
8 fishing and golfing.

9 Q. And what do your four children do?

10 A. My oldest, I have three girls and one son. My have  
11 oldest is 31. She works at a refinery in environmental.  
12 My second daughter is 29. She is a grade school teacher.  
13 My other son is 21. He is in college for engineering and  
14 my youngest is a daughter, 18, senior in high school.

15 Q. Are you married?

16 A. Yes.

17 Q. How long?

18 A. It will be 36 years this year.

19 Q. What does your wife do?

20 A. She is a teacher as well.

21 Q. Okay. I want to ask you some questions  
22 regarding 2013 to 2015. Did you have a computer at your  
23 house?

24 A. Yes.

25 Q. What kind of computer?



Mr. Kuehl - Cross

1 A. Just a family desktop computer.

2 Q. Are you familiar with a website called eBay?

3 A. Yes.

4 Q. How are you familiar?

5 A. I use it typically to buy small items.

6 Q. Okay. You say "typically." Did you ever look at  
7 buying a big ticket item on there?

8 A. I have a few times.

9 Q. Are you familiar with a Jeep Wrangler?

10 A. Yes.

11 Q. How are you familiar?

12 A. I have bid on a Jeep Wrangler before. Once I  
13 believe it was out of Florida.

14 Q. And can you walk us through your experience with  
15 looking at the Jeep Wrangler?

16 A. It was an item that I was looking at, I believe,  
17 with my son, back when he was getting ready to start  
18 driving.

19 And I started looking on eBay as comparison  
20 shopping to get prices on what they were going for for  
21 used vehicles and found an item that looked really good  
22 and placed a bid.

23 Q. Did you win?

24 A. No.

25 Q. What happened?

Mr. Kuehl - Cross

1 A. I believe I got a second chance offer sent back to  
2 me in an e-mail saying I didn't receive the bid, but the  
3 person who did receive the winning bid opted out or  
4 couldn't come up with the funds.

5 So if I was interested, I could still  
6 possibly purchase that vehicle.

7 Q. Were you still interested?

8 A. I was to some degree. I knew it was in Florida, so  
9 I wasn't sure if it was something that I was really  
10 willing to do. That's why I didn't keep bidding.

11 Q. Are you familiar with the e-mail address l-a-r-u @  
12 bright.net?

13 A. Yes, I am. That's our family e-mail.

14 Q. Is that the e-mail account you received for that  
15 second chance offer?

16 A. Yes.

17 Q. Was there anything attached to the second chance  
18 offer?

19 A. There was pictures.

20 Q. Pictures of what?

21 A. Best I can remember just pictures of the outside of  
22 the Jeep.

23 Q. Did you look at the pictures?

24 A. Yes.

25 Q. Okay. Are you familiar with Chase Bank?

Mr. Kuehl - Cross

1 A. Yes.

2 Q. How are you familiar?

3 A. That's our current bank.

4 Q. And when you say your current bank or "our current  
5 bank," who are you referring to?

6 A. My wife and I.

7 Q. Do you get your credit card statements from Chase  
8 Bank mailed to your house?

9 A. Yes.

10 Q. Was there ever a time that you had an issue with any  
11 of the purchases on your Chase credit card account?

12 A. There was in January of 2014, I believe.

13 Q. Are you familiar with MTP Media Temple, Incorporated  
14 in California?

15 A. No.

16 Q. Okay. Do you recall — do you have any unauthorized  
17 charges on your Chase account?

18 A. Yes. We had four unauthorized charges of \$50  
19 each.

20 Q. How did you notice the unauthorized charges?

21 A. My wife went through the account information and  
22 noticed four charges and took that information to the  
23 bank.

24 Q. Okay. Had you made four \$50 purchases totaling \$200  
25 on January 9th, 2014?

Mr. Kuehl - Cross

1 A. No.

2 Q. Did you have a Chase card ending in -5295?

3 A. That sounds correct.

4 MR. McDONOUGH: May I approach the witness,  
5 your Honor?

6 THE COURT: Of course.

7 BY MR. McDONOUGH:

8 Q. Showing you what has been marked as Government's  
9 Exhibit 2044, do you recognize it?

10 A. Yes, I do.

11 Q. What is it?

12 A. It is the four charges of \$50 each on our  
13 account.

14 MR. McDONOUGH: Ms. Chandler, please pull up  
15 Government's Exhibit 2044, and could you zoom in on the  
16 bottom one third of that Chase statement?

17 BY MR. McDONOUGH:

18 Q. Do you see the last four charges that are listed on  
19 page 1 of Government's Exhibit 2044?

20 A. Yes.

21 Q. Could you point out what the unauthorized charges  
22 are or the amounts?

23 A. They were for \$50 each.

24 Q. Were those charges, did those end up coming out of a  
25 bank account?

Mr. Kuehl - Cross

1 A. They did come out of a bank account.

2 Q. Was it a credit card or debit card?

3 A. I believe it was both.

4 Q. Did the bank go ahead and — was the bank contacted?

5 A. Excuse me?

6 Q. I apologize for the question.

7 Who notified Chase Bank about these four  
8 unauthorized charges?

9 A. My wife did.

10 Q. Did you end up losing \$200 for these charges?

11 A. We did at first, but we were reimbursed through the  
12 bank.

13 Q. Did the bank provide you with new cards?

14 A. They did.

15 Q. And on the credit-debit, is it a card that has had a  
16 logo from Chase Bank?

17 A. Yes.

18 Q. Do you recall if that was a Visa or Mastercard?

19 A. Visa.

20 Q. Chase Bank Visa with a logo that you could use, do  
21 you recall if it was required to have a pin number?

22 A. I believe it required a pin number if you used  
23 it one way or another. I don't think it did all the  
24 time.

25 Q. Could you use it at an ATM?

Mr. Kuehl - Cross

1 A. Yes.

2 Q. Make cash withdrawals?

3 A. Yes, correct.

4 Q. Were you successful in purchasing the Jeep Wrangler  
5 on eBay?

6 A. No, I was not.

7 Q. Are you familiar with the address of 1204 Indian  
8 Hill Drive, Wopakaneta, Ohio?

9 A. Yes. That's where we were living.

10 Q. Are you familiar with the number 419-942-1154?

11 A. No.

12 Q. Are you familiar with the number 419-738-4980?

13 A. Yes. That was our home phone number.

14 Q. How did you find out about this case?

15 A. After we went through the bank and changed credit  
16 cards and we were reimbursed for the \$200 through our  
17 bank, a couple of years later while I was at work, my  
18 wife had a visit from the FBI to our house.

19 Q. Okay. How did you find out about the FBI making a  
20 house visit to your wife?

21 A. She called me at work.

22 Q. Did your wife have any questions for you, or did the  
23 FBI have any questions for you?

24 A. I think they did, but just something very basic. I  
25 don't remember what the question was.

Mr. Kuehl - Cross

1 Q. Okay. Going back before 2013 to 2015, going back  
2 to 2010, were you ever looking at other vehicles on  
3 eBay?

4 A. I was looking several times at motorcycles and  
5 smaller items for golf.

6 Q. Are you familiar with a 2008 Harley Davidson Softail  
7 Rocker?

8 A. Just vaguely.

9 Q. What is a 2008 Harley Davidson Softail Rocker?

10 A. A sport motorcycle Harley Davidson.

11 Q. Did you own one?

12 A. I owned several Harley Davidsons.

13 Q. Did you ride them?

14 A. Yes, up until a few years ago.

15 Q. Did you ever engage in any e-mail conversations with  
16 a seller for a 2008 Harley Davidson Softail Rocker?

17 A. I did.

18 Q. Did you receive any pictures?

19 A. I believe I did.

20 Q. Did you click on any pictures?

21 A. Yes.

22 Q. Did you ever purchase the 2008 Harley Davidson  
23 Softail Rocker?

24 A. No.

25 Q. Did you ever suffer any losses regarding the 2008

Mr. Kuehl - Cross

1 Harley Davidson Rocker?

2 A. No.

3 Q. Did you give any permission to anyone to make  
4 the four charges on your — for \$50 each on your Chase  
5 card?

6 A. No.

7 MR. McDONOUGH: No further questions.

8 THE COURT: Mr. Goldberg?

9 MR. GOLDBERG: Thank you, your Honor. I  
10 have no questions. No questions.

11 THE COURT: Mr. O'Shea?

12 MR. O'SHEA: Real quick.

13 CROSS EXAMINATION

14 BY MR. O'SHEA:

15 Q. Do you still have that exhibit, sir, Exhibit 2044 in  
16 front of you?

17 A. Yes, sir.

18 Q. And prior to today, did you have to meet with  
19 members of the Government and the prosecution team where  
20 they pointed to certain things and identified certain  
21 things they wanted you to testify to?

22 Do you remember that?

23 A. I am not following the question, sir.

24 Q. Okay. Did you meet with members of the Government  
25 from the United States?



Mr. Kuehl - Cross

1 A. Yes, I did.

2 Q. And did they go through those exhibits and pointed  
3 to areas where the \$50 was for you?

4 A. I actually pointed it out to them. My wife sent it  
5 to me on my phone last night.

6 Q. And is this how it came on your phone last night?

7 A. Yes, it is.

8 Q. And is that when you met with them last night and  
9 pointed it out to them?

10 A. Yes.

11 Q. So you knew exactly what the point to today when you  
12 got up here, right?

13 A. Yes.

14 MR. O'SHEA: No further questions.

15 THE COURT: Any redirect.

16 MR. McDONOUGH: No, your Honor.

17 THE COURT: You may step down, sir. Watch  
18 your step.

19 Call your next witness.

20 MR. BROWN: Can we have a brief side bar  
21 about scheduling, your Honor?

22 THE COURT: Sure.

23 (Side bar held off the record.)

24 THE COURT: Ladies and gentlemen. We are  
25 going to adjourn for the day. Please remember the

1 admonition.

2 Do not form any opinion, and do not talk  
3 about the case amongst yourselves or with anyone else.  
4 Please be downstairs tomorrow morning at 9:00 a.m. We  
5 will call for you at that time and bring you up with the  
6 group. Have a good evening, everyone.

7 All rise for the jury.

8 (Jury out.)

9 THE COURT: Mr. Goldberg, Mr. O'Shea, you  
10 have indicated to the Court off the record when we go  
11 through the day's exhibits it is not necessary for your  
12 clients to be present.

13 Mr. Goldberg, is that still the case?

14 MR. GOLDBERG: That is.

15 THE COURT: Mr. O'Shea?

16 MR. O'SHEA: It is, Judge.

17 THE COURT: All right. We are going to go  
18 over the exhibits for the day then.

19 204?

20 MR. O'SHEA: No objection.

21 THE COURT: We are going to do it — if I  
22 don't hear objection —

23 MR. O'SHEA: Sorry.

24 THE COURT: 1908, 1909, 21. 2223, are you  
25 offering it?

1 MR. BROWN: Yes, your Honor.

2 MR. GOLDBERG: Which one?

3 THE COURT: That's the audio.

4 2043, 1204, and 2044.

5 MR. McDONOUGH: Your Honor, the Government  
6 just has to do a redaction on 2044, page 2 on a bank.

7 MR. O'SHEA: I don't have a problem with  
8 that redaction. Can we go to the last one, the one  
9 before 2044, please, before that —

10 THE COURT: 1204.

11 MR. O'SHEA: — I have an objection.

12 So I am clear, this is a dream house  
13 download — did we already stipulate to this?

14 MR. GOLDBERG: It came in through a  
15 merchant.

16 MR. O'SHEA: It is ten pages long, and one  
17 line refers to —

18 MR. GOLDBERG: Isn't this already in?

19 MR. O'SHEA: I don't think it was.

20 MR. BROWN: And I believe, your Honor,  
21 Agent MacFarlane also testified to this.

22 MR. O'SHEA: I can't agree to it yet, Judge.  
23 How about that? Sorry.

24 THE COURT: So you are not offering it at  
25 this point?

1 MR. BROWN: At this point, we will agree to  
2 revisit it after the testimony of Agent MacFarlane.

3 THE COURT: Okay. Sue, did I miss anything?  
4 There were a couple that were discussed today but had  
5 already been admitted.

6 MS. CHANDLER: We did 204, correct?

7 THE COURT: Yes. That was the first one  
8 that I mentioned today.

9 MS. CHANDLER: Then, yes.

10 MR. BROWN: Your Honor, I'm sorry. I missed  
11 it. I was double checking, too, and I skipped over with  
12 one.

13 (Pause.)

14 MR. BROWN: We are good.

15 THE COURT: So on behalf of the Government,  
16 I've got all the exhibits for today?

17 MR. BROWN: Yes, your Honor.

18 MR. GOLDBERG: No objection?

19 MR. O'SHEA: The answer is yes.

20 THE COURT: All right. We will see you  
21 tomorrow morning.

22 MR. LEVINE: Your Honor, would you like to  
23 get the stipulation on the record, and then read it from  
24 the record to the jury tomorrow or —

25 THE COURT: Well, you have been doing the

1 stipulations directly to the jury, so why don't we start  
2 with the stipulation tomorrow morning?

3 MR. LEVINE: Okay. Sounds good.

4 MR. O'SHEA: 9:00, Judge.

5 THE COURT: 9:00 a.m. Thank you all.

6 (Trial adjourning at 4:10 p.m.)

7 - - - - -

8 C E R T I F I C A T E

9 I, George J. Staiduhar, Official Court  
10 Reporter in and for the United States District Court,  
11 for the Northern District of Ohio, Eastern Division,  
12 do hereby certify that the foregoing is a true  
13 and correct transcript of the proceedings herein.

14  
15  
16  
17 s/George J. Staiduhar  
18 George J. Staiduhar,  
Official Court Reporter

19 U.S. District Court  
20 801 W. Superior Ave., Suite 7-184  
21 Cleveland, Ohio 44113  
22 (216) 357-7128  
23  
24  
25